



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, September 03, 2024 at 6:30 PM

AGENDA

The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

- 1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance**
- 2. Citizens to be Heard** - Citizens wishing to address the City Council for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the City Council is restricted from discussing or acting on items not listed on this agenda.
- 3. Presentations**
 1. Presentation of a Certificate of Congratulations to Kim E. Webster, Founder and Director of A Place For Kids Learning Center - Mayor Chris Riley
 2. Presentation of an Administrative Conformity of the Statement of Appointed Officer and the Oath of Office to Presiding Municipal Court Judge Lawrence G. Morales and Municipal Court Judge Leslie C. Kassahn.
 3. Presentation and Discussion Over the Allocation of Personnel Share Back to the General Fund - Dr. Crystal Caldera, City Manager
- 4. Announcements by the Mayor and Council Members.** At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

5. City Manager's Report

1. Upcoming Important Events:

- Regular City Council Meeting, Tuesday, September 17, 2024, at 6:30 PM, in City Council Chambers.
- November 05, 2024 Joint General, Special and Charter Election for Early Voting and Election Day - Early voting begins Monday, October 21, 2024.
- Coffee with the Mayor & City Council, Saturday, October 26, 2024, 9:00 AM to 11:00 AM, at the Leon Valley Conference Center.
- Trash & Treasure Event, Saturday, October 26, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.
- Arbor Day Event, Saturday, October 26, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.
- Leon Valley Night Out, Tuesday, October 01, 2024.
- Miscellaneous other events and announcements

6. Consent Agenda - All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of a Consent Agenda item unless a member of City Council requests that the item be pulled from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

1. Discussion and Possible Action Approving of the Following City Council Minutes:

- a. 08-20-2024 Regular City Council Meeting Minutes

2. Presentation, Discussion and Possible Action a Resolution Giving the City of Leon Valley's Eight (8) Votes to NISD for the Bexar Appraisal District Board of Directors for the 2025 Term - Chris Riley, Mayor

3. Discussion and Possible Action of a Resolution of the City of Leon Valley, TX., City Council Appointing Members to the Board of Adjustment - S. Passailaigue, City Secretary

4. Discussion and Possible Action on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 6 Health and Sanitation, Article 6.03 Weeds, High Grass, and Debris, Section 6.03.002 Prohibited Conditions, (a) to Mandate the Removal of Dead Trees (1st Read was Held 08-06-2024) - M. Moritz, Public Works Director

7. Regular Agenda

1. Presentation, **Public Hearing**, and Possible Action to Consider Approval of a Plat of Approximately 2.238-Acres of Land, Being P-8, Abstract 317, CB 4431 to Lots 12 & 13, Block 11, CB 4431, Leon Valley Addition Subdivision, Located at 6301 Sawyer Rd, With a Variance Request to Not Build a Sidewalk - M. Moritz, Public Works Director

2. Presentation, Discussion, and Possible Action of a Request by Burkett Media for a Variance to Chapter 3 Building Regulations, Article 3.04 Signs, Section 3.04.011 On-Premises Signs, (3) Sign height, (D) 60 feet on Expressway Frontage Roads, to Allow a

75-Foot-High Sign, Located at 5920 Bandera Rd - R. Salinas, Economic Development Director

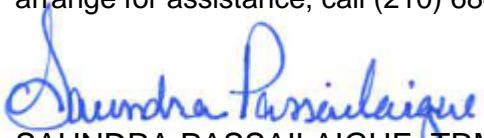
3. Presentation, Discussion and Possible Action - Preliminary Acceptance of Public Improvements at Poss Landing Subdivision, Located at 7213 Huebner - M. Moritz, Public Works Director
 4. Presentation and Discussion on an Ordinance Authorizing a Budget Adjustment to the General Fund Budget for Fiscal Year of 2023-2024 on Behalf of the Earthwise Living Committee (1st Read as Required by City Charter) - C. Miranda, Community Relations Director
 5. Presentation and Discussion of an Ordinance Authorizing a Budget Adjustment in the Amount of \$696,758.00 from the Enterprise Fund Balance and \$320,000 from the General Fund Balance to Purchase 100 Acre Feet of Water Rights (1st Read as Required by City Charter) - M. Moritz, Public Works Director
 6. Presentation and Discussion of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 15 Zoning, Article 15.02 Zoning Ordinance, Division 7 Permitted Use Table, Section 15.02.381 - Permitted Use Table, To Regulate the Location of CBD Retail Establishments (1st Read as Required by City Charter) - M. Moritz, Public Works Director
 7. Discussion and Possible Action on a Resolution as Required by City Ordinance Section 7.01.003 (c) that Requires Judges Compensation be Established by a Contract as Approved by the City Council - T. Arizola, Municipal Court Administrator
8. **Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley’s Code of Ordinances, at a Meeting of City Council, a Member of City Council May Place an Item on an Agenda by Making a Motion to Place the Item on a Future Agenda and Receiving a Second. No Discussion Shall Occur at the Meeting Regarding the Placement of the Item on a Future Agenda.**
9. **Adjournment**

Executive Session. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

Sec. 551.0411. MEETING NOTICE REQUIREMENTS IN CERTAIN CIRCUMSTANCES: (a) Section does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter. If an open meeting is continued to the following regular business day and, on that following day, the governmental body continues the meeting to another day, the governmental body must give written notice as required by this subchapter of the meeting continued to that other day.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other City boards, commissions and/or committees may attend the open meeting in numbers that may constitute a quorum. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of any other boards, commissions and/or committees of the City, whose members may be in attendance in numbers constituting a quorum. These members of other City boards, commissions, and/or committees may not deliberate or act on items listed on the agenda. [Attorney General Opinion – No. GA-0957 (2012)].

I hereby certify that the above **NOTICE OF PUBLIC MEETING(S) AND AGENDA OF THE LEON VALLEY CITY COUNCIL** was posted at the Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas, and remained posted until after the meeting(s) hereby posted concluded. This notice is posted on the City website at <https://www.leonvalleytexas.gov>. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours in advance of the meeting. To arrange for assistance, call (210) 684-1391, Extension 212.



SAUNDRA PASSAILAIGUE, TRMC
City Secretary
August 29, 2024 11:17 AM





CONGRATULATIONS

***WHEREAS**, in recognition of Kim E. Webster, founder and director of A Place For Kids Learning Center.*

***WHEREAS**, Kim has been a cornerstone of our community for over 20 years, continually enriching it in many ways.*

***WHEREAS**, through the center, Kim has provided valuable internships for both high school and college students, exemplifying outstanding leadership and a remarkable spirit of philanthropy.*

***NOW, THEREFORE**, I, Chris Riley, by virtue of the authority vested in me as Mayor of the City of Leon Valley, do hereby tender this Certificate of Congratulations on this 20th anniversary and further urge all citizens to be cognizant of the vast number of contributions Kim E. Webster has made to our community over the years.*

Signed by my hand on this the 3rd day of September, 2024.

Mayor Chris Riley

MAYOR AND COUNCIL COMMUNICATION

DATE: September 03, 2024

TO: Mayor and Council

FROM: Tiffany Arizola, Court Administrator

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Administration of the Statement of Appointed Officer and the Oath of Office to Presiding Municipal Court Judge Lawrence G. Morales and Municipal Court Judge Leslie C. Kassahn.

SPONSOR(S): N/A

PURPOSE & BACKGROUND

Pursuant to the City of Leon Valley’s Code of Ordinances, (Chapter 7, Section 7.01.003), the Judges are appointed by the City Council for a term of two years, coterminous with the Mayor. This would normally be done at the council meeting following the canvass of the election; with staff transitions, this was not done. Further, the Texas Government Code Sec. 29.005 provides that a Judge of a municipal court serves for a term of office of two years. It also provides that, “A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired”. Therefore, the judges are serving in their new term, however, staff thought it was appropriate to still address this item with the council.

Judge Lawrence G. Morales and Judge Leslie C. Kassahn last appointment was on June 7, 2022. Their two-year term ended in 2024, and their new term will end in 2026.

FISCAL IMPACT

Judicial services are budgeted for \$37,510.00 for the fiscal year of 2025.

RECOMMENDATION

Reappoint the Presiding Municipal Court Judge Lawrence G. Morales and Municipal Court Judge Leslie C. Kassahn to continue the necessary judicial services at Leon Valley Municipal Court.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

RESOLUTION No. -----

A RESOLUTION OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL APPOINTING THE MUNICIPAL COURT JUDGES FOR THE CITY OF LEON VALLEY MUNICIPAL COURT.

WHEREAS, the term of office of the Municipal Court Judges will be for two years, coterminous with the mayor.

WHEREAS, the Judges of the municipal court is further required to perform all basic services and duties necessary for the effective administration of justice in municipal court.

WHEREAS, the Judges will be governed by the Code of Judicial Conduct and General Ethical Standards and will maintain high standards of judicial and personal integrity, and the independence of the judiciary is preserved.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF LEON VALLEY: Appoints the Presiding Municipal Court Judge Lawrence G. Morales and Municipal Court Judge Leslie C. Kassahn.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 3rd day of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney

ARTURO D. "ART" RODRIGUEZ
City Attorney

Administrative Conformity of the Statement of Appointed Officer and the Oath of Office to Judges

Tiffany Arizola
Court Administrator
City Council Meeting
September 03, 2024

Summary

- Question
 - **Appoint Presiding Judge Lawrence G. Morales and Judge Leslie C. Kassahn.**
- Options
 - Recommended:
 1. Adopt resolution as presented.
 - Denial
 - Other
- Declaration
 - The City administer the Statement of Appointed Officer and the Oath of Office to the Judges.

Background

- According to the City's Code of Ordinances (Chapter 7, Section 7.01.003) the Judges are appointed by the City Council for a term of two years, coterminous with the Mayor
 - This would normally be done at the council meeting following the canvass of the election; with staff transitions, this was not done.
- Last appointed on June 7, 2022.
- Two your term ended 2024.
- New term will end 2026.

Background

- According to the Texas Government Code Sec. 29.005
 - A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.
- Both judges are already serving out their term; however, the staff thought it was appropriate to still address this item with the council.

Fiscal Impact

- \$37,510.00 budgeted for judicial services in the FY2025 budget
- Necessary judicial services continued at Leon Valley Municipal Court.

Recommendation

- Recommend approval.

Presentation and Discussion Over the Allocation of Personnel Share Back to the General Fund

Crystal Caldera, PhD
City Manager
City Council Meeting
September 03, 2024

ALLOCATION CHANGE BY PERCENTAGE

BEFORE

Salary Allocations									
Department	General Fund	Enterprise Fund			Economic Dev.	Community Center Fund	RLC Fund	Crime Control Fund	Child Safety Fund
		Water	Sewer	Storm Water					
Court									
Sr. Court Clerk	30%	20%	20%	10%	-	-	20%	-	-
Court Administrator	30%	20%	20%	10%	-	-	20%	-	-
City Manager									
City Manager	25%	20%	20%	10%	25%	-	-	-	-
City Secretary	50%	20%	20%	10%	-	-	-	-	-
Information Technology									
IT Manager	30%	20%	20%	10%	-	-	20%	-	-
Public Works									
Laborer - Parks	80%	10%	-	-	-	10%	-	-	-
Planning & Zoning									
Planning Director	50%	20%	20%	10%	-	-	-	-	-
Economic Development									
ED Manager	50%	20%	20%	10%	-	-	-	-	-

AFTER

Salary Allocations									
Department	General Fund	Enterprise Fund			Economic Dev.	Community Center Fund	RLC Fund	Crime Control Fund	Child Safety Fund
		Water	Sewer	Storm Water					
Court									
Sr. Court Clerk	40%	20%	20%	-	-	-	20%	-	-
Court Administrator	40%	20%	20%	-	-	-	20%	-	-
City Manager									
City Manager	35%	10%	10%	5%	40%	-	-	-	-
City Secretary	60%	15%	15%	10%	-	-	-	-	-
Info. Technology									
IT Director	50%	10%	10%	10%	-	-	20%	-	-
Public Works									
Laborer - Parks	80%	5%	-	-	-	10%	-	-	-
Planning & Zoning									
Planning Director	75%	10%	10%	5%	-	-	-	-	-
Economic Development									
ED Director	100%	-	-	-	-	-	-	-	-

Fiscal Impact

- The amount needed to be reallocated was
\$244,805
- The reallocation on the personnel expenditures
calculated to be absorbed by the General Fund was
\$244,880
- There is a small difference between the budgeted
net income and the calculated reallocation of
\$75



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, August 20, 2024 at 6:00 PM

MINUTES

The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance

PRESENT

Mayor Chris Riley
Council Place 1 Benny Martinez
Council Place 2 Betty Heyl
Mayor Pro-Tem, Council Place 3 Philip Campos
Council Place 5 Will Bradshaw

EXCUSED

Council Place 4 Rey Orozco

Mayor Chris Riley called the meeting to order at 6:00 PM and announced that a quorum of the City Council was present in Council Chambers.

Mayor Riley asked Councilor Betty Heyl to lead the Pledge of Allegiance.

2. Citizens to be Heard

Citizens wishing to address the City Council for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the City Council is restricted from discussing or acting on items not listed on this agenda.

Those who spoke at this time were Charles Matthews.

3. Presentations

1. **Presentation of a Proclamation Declaring Payroll Week - Ms. Denise Kelly with Holt CAT - Mayor Chris Riley**

Mayor Chris Riley announced that Ms. Kelly was not present this evening and therefore, the proclamation would be mailed to her.

Mayor Riley gave a special shout-out to Angela Trejo, the City's payroll administrator.

At 8:12 PM, Mayor Chris Riley presented the proclamation to Stacie Rothe, Alamo Chapter of Payroll Professionals.

2. **Presentation, Discussion and Possible Action to Consider Accepting a Grant, From the Channing's Joy Foundation, for the Construction and Installation of Communication Boards in All City Parks - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director, presented the item, adding that if approved, the communication boards would be installed at all Leon Valley parks.

Ms. Jessica Manley was present to answer questions.

Councilor Will Bradshaw made a motion to approve this item. Councilor Philip Campos seconded the motion.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

The motion passed unanimously.

3. **Presentation, Discussion and Possible Action to Award the Fiscal Year 2025 Group Insurance Bid for Employee Medical, Dental, and Life Insurances provided by Gallagher Benefit Services - L. Hernandez, HR Director**

Dr. Crystal Caldera, City Manager, presented this item.

Councilor Philip Campos made a motion to accept the Fiscal Year 2025 Group Insurance Bid for Employee Medical, Dental, and Life Insurances provided by Gallagher Benefit Services. Councilor Will Bradshaw seconded the motion.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

The motion passed unanimously.

4. **Announcements by the Mayor and Council Members.** At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or

community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

Mayor Chris Riley and members of the City Council made announcements.

5. City Manager's Report

Dr. Crystal Caldera, City Manager, announced that the City Manager's Report was printed and available on the table in the foyer, as well as posted on the website. Dr. Caldera, City Manager, added a congratulations to David Dimaline, Assistant Public Works Director, for securing the CDBG Grant in the amount of \$239,735.00 for Cammie Way Project; encouraged everyone to sign up for Leon Valley Night Out; thanked everyone who donated towards the Back-to-School Drive; and thanked Lisa Hernandez for doing all the hard work on the employee health plan package.

1. Upcoming Important Events:

- **Regular City Council Meeting, Tuesday, September 03, 2024, at 6:30 PM, in City Council Chambers.**
- **November 05, 2024 Joint General, Special and Charter Election for Early Voting and Election Day - Early voting begins Monday, October 21, 2024.**
- **Coffee with the Mayor & City Council, Saturday, October 26, 2024, 9:00 AM to 11:00 AM, at the Leon Valley Conference Center.**
- **Trash & Treasure Event, Saturday, October 26, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.**
- **Arbor Day Event, Saturday, October 26, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.**
- **Leon Valley Night Out, Tuesday, October 01, 2024.**
- **Miscellaneous other events and announcements**

6. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of a Consent Agenda item unless a member of City Council requests that the item be pulled from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

Councilor Benny Martinez motioned to accept the Consent Agenda as presented. Councilor Betty Heyl seconded the motion.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

The motion passed unanimously.

Dr. Crystal Caldera, City Manager, stated for the record that Councilor Philip Campos selected Ann Sawyer to sit on the Citizens Police Advisory Committee and that this has been noted in the resolution.

1. **Discussion and Possible Action Approving of the Following City Council Minutes:**
 - a. **08-06-2024 Regular City Council Meeting Minutes**
2. **Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
 - a. **05-09-2024 Library Advisory Board Meeting Minutes**
 - b. **05-08-2024 Earthwise Living Committee Meeting Minutes**
3. **Presentation and Discussion of the Monthly Financial Report Ending July 31, 2024 - C. Goering, Finance Director**
4. **Discussion and Possible Action of an Ordinance Granting a Specific Use Permit (SUP) on an approximately 0.3444 Acre Tract of Vacant Land, Located at 7125 and 7129 Bandera Road, Being Lots 8 and 9, Block A, Linkwood Addition Subdivision, for the Construction of an Office Building (1st Read was Held on 08-06-2024) - M. Teague, Director of Planning and Zoning**
5. **Discussion and Possible Action of an Ordinance Authorizing a Budget Adjustment in the Amount of \$168,723 from the Stormwater Fund Reserve to Provide Additional Funding for the Huebner Creek Erosion Control Project Segment 1 (1st Read was Held on 08-06-2024) - M. Moritz, Public Works Director**
6. **Discussion and Possible Action of an Ordinance Granting a Variance to the Leon Valley Code of Ordinances, Chapter 8 Offenses and Nuisances, Article 8.09.022, Placing a Fence or Other Obstacle in Drain or Easement, at Northwest Industrial Drive and Bandera Road, Being Lot 1, Block 1, CB 4428F, Northwest Industrial Park Unit 1 (1st Read was Held on 08-06-2024) - M. Teague - Director of Planning and Zoning**
7. **Discussion and Possible Action of an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A Fee Schedule, Article A16 Water and Wastewater Impact Fees, Section A16.002 Sewer Impact Fees, 4. San Antonio Water System, to Allow Direct Payment to the San Antonio Water System (SAWS) by Developers for SAWS Sewer Impact Fees (1st Read was Held on 08-06-2024) - M. Moritz, Public Works Director**
8. **Discussion and Possible Action of an Ordinance Amending Chapter 10 Subdivision Regulations, Division 4. Additional Regulations, Section 10.02.151 Additional Regulations, Subsection (c) to Allow Deferral of Water Meter and Sidewalk Installation to the Building Phase of a Subdivision Project (1st Read was Held on 08-06-2024) - M. Moritz, Public Works Director**
9. **Discussion and Possible Action on a Resolution Appointing a Member to the Citizens Police Advisory Committee - S. Passailaigue, City Secretary**
10. **Discussion and Possible Action on an Ordinance Authorizing the Amendment of the General Fund Budget for Fiscal Year 2023-2024 in the Amount of \$38,760.46**

for the Household Hazardous Waste Event (1st Read was Held on 08-06-2024) - C. Miranda, Community Relations Director

11. Discussion and Possible Action on a Resolution of the City of Leon Valley, TX., City Council Appointing an Alternate Member to the Leon Valley Planning & Zoning Commission - Mayor Chris Riley

7. Regular Agenda

1. Discussion and Possible Action of an Ordinance Rezoning Approximately 30-Acres of Land From R-1 (Single Family Dwelling) and RE-1 (Residential Estate) Zoning Districts to a Planned Development District (PDD) with R-6 (Garden Home) District Base Zoning, on a 19.614 Acre Tract, Being Lots 1 and 2, Block 1, CB 4430 Grass Hill Estates Subdivision and an Unplatted 11.37 Acre Tract, Being Parcel 13, Abstract 432, CB 4430, Located in the 6500 Block of Samaritan Drive and a Portion Surrounded by Aids, Samaritan, Grass Hill, and William Rancher Streets, Leon Valley, Texas - Councilor Rey Orozco and Councilor Will Bradshaw (1st Read was Held on 08-06-2024) - M. Teague, Planning and Zoning Director

Dr. Crystal Caldera, City Manager, presented the item.

Councilor Philip Campos asked for clarification on the number of trees that would be planted per lot.

Mayor Chris Riley stated that she believes there are 144, 30' wide lots that will have only one (1) tree instead of two (2). Dr. Crystal Caldera, City Manager, replied that this was correct.

Councilor Benny Martinez asked for further clarification, to which Mayor Riley replied that there are 44, 30' wide lots that will have only 1 tree instead of 2; and 44, 40' lots that will have 2 trees; and 60' will also have 2 trees.

Those who spoke at this time were Grant Riley, Charles Matthews, Olen Yarnell, Linda Barker, Abraham Diaz, Beth Mursch, Mary Ruth Fernandez, Mark Ferris, Sharon Hendricks, Veronica Felix, Drew Power, Richard Reyes, Theresa Moser

Councilor Philip Campos motioned to postpone it until Councilor Rey Orozco returns. The motion died for lack of a second.

Councilor Philip Campos motioned to remove the variance request for the tree variance cap to be brought back at a later date. Councilor Will Bradshaw seconded the motion.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

The motion passed unanimously.

Councilor Philip Campos motioned to reduce the 10% allowable minor deviations from an approved PD project plan to 2%. The motion died for a lack of a second.

Councilor Philip Campos motioned to change the 10% with the exception of the 60' and 40' lots. Councilor Will Bradshaw seconded the motion for discussion.

Councilor Campos amended his motion by saying to accept the 10% as long as it does not increase the number of lots. Councilor Will Bradshaw seconded the amendment.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

Councilor Will Bradshaw motioned to accept the PDD as presented with the exceptions of the two previous motions. Councilor Benny Martinez seconded the motion.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Council Place 5 Bradshaw
Voting Nay: Mayor Pro-Tem, Council Place 3 Campos

The motion passed three (3) to one (1).

2. Conduct a Public Hearing for the City of Leon Valley on the Proposed Budget Fiscal Year 2024-2025 - Dr. Caldera, City Manager

Mayor Chris Riley went back to agenda item 3.1 to present the proclamation.

Those who spoke on item 3.1 were Olen Yarnell.

Dr. Crystal Caldera, City Manager, presented the Proposed Budget for Fiscal Year 2024-2025.

Councilor Philip Campos motioned to pull back \$245,000.00, which is allocated for salaries, from the Enterprise Fund back into the General Fund. Councilor Benny Martinez seconded the motion.

Dr. Crystal Caldera, City Manager, reminded Council that \$95,000.00 of that \$245,000.00 is from ARPA Funds and will not be there next year as a revenue source.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos

Voting Nay: Council Place 5 Bradshaw

Motion passes three (3) to one (1)

Mayor Riley opened the Public Hearing at 8:45 PM

Those who spoke were Olen Yarnell, and Josh Stevens

Mayor Riley closed the Public Hearing at 9:00 PM

A motion made by Mayor Pro-Tem, Council Place 3 Campos, Seconded by Council Place 1 Martinez.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos

Voting Nay: Council Place 5 Bradshaw

The motion passed three (3) to one (1)

3. Discussion and Possible Action on an Ordinance Approving and Adopting Fiscal Year 2024-2025 Budget and Associated Capital Acquisition Plan (1st Read Was Held on 06-04-2024) - Dr. Caldera, City Manager

Councilor Philip Campos motioned to adopt the ordinance approving the budgets and associated capital acquisition plans for the City of Leon Valley, Texas for Fiscal Year 2025, with the exception of the previous motions. Councilor Will Bradshaw seconded the motion.

Voting Yea: Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

Voting Nay: Council Place 1 Martinez

The motion passed three (3) to one (1)

4. Discussion and Possible Action of a Resolution Ratifying the Fiscal Year 2025 Budget - C. Goering, Finance Director

Councilor Will Bradshaw motioned to adopt the Resolution ratifying the fiscal year 2025 budget that will raise more revenue from property taxes than last year's budget by an amount of \$291,133, which is a .0537101 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$10,663.78. Councilor Philip Campos seconded the motion.

Mayor Chris Riley conducted a roll-call vote.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

The motion passed unanimously.

5. Conduct a Public Hearing for the City of Leon Valley on the Proposed 2024 Tax Rate - Dr. Caldera, City Manager

Mayor Chris Riley opened the Public Hearing at 9:05 PM.

Those who spoke were Olen Yarnell, Charles Mathews, and Josh Stevens

Mayor Riley closed the Public Hearing at 9:13 PM

6. Discussion and Possible Action on an Ordinance Approving and Adopting the Tax Year 2024; Tax Rate for the Maintenance and Operations at \$0.44021 and the

Interest and Sinking Fund at \$0.044718, for a Total Tax Rate of \$0.484739 (1st Read Was Held on 08-06-2024) - Dr. Caldera, City Manager

Councilor Will Bradshaw motioned that the property tax rate be increased by the adoption of a tax rate of \$0.484739, which is effectively a 0.4188% (percentage by which the proposed tax rate exceeds the no new revenue tax rate) percent increase tax rate. Maintenance and Operations and Interest Sinking is allocated as follows: \$0.440021 for Maintenance and Operations; \$0.044718 for Interest and Sinking; \$0.484739 Total Tax Rate. Councilor Philip Campos seconded the motion.

Mayor Chris Riley conducted a roll-call vote.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

The motion passes unanimously.

7. **Discussion and Possible Action of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 3 Drought Management, Section 14.11.073 Definitions and Section 14.11.074 Demand Reduction Measures to Revise the Definition of "Stage", Revise Allowed Watering Hours, Add a Surcharge to (C), and Add (1) (E) Stage V, (3) (E) Stage V, and (8) Drought Surcharge Appeal; and Amend Appendix A Fee Schedule, Article A11.000 Water and Sewer Fees, Section A11.001 Generally to Add a Subsection (s) Critical Period Drought Management Surcharges, to Create Fees for Certain Water Usage Thresholds During Stages III, IV, and V Critical Period Drought Management (1st Read was Held on 08-06-2024) - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director, presented this item.

Those who spoke were Josh Stevens.

Councilor Philip Campos motioned to approve as presented. Councilor Benny Martinez seconded the motion.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 5 Bradshaw

The motion passed unanimously.

8. **Presentation, Discussion, and Possible Action on the 2024 City Calendar of Events - S. Passailaigue, City Secretary**

This item was prematurely added to the packet, but Dr. Crystal Caldera, City Manager, asked that City Council look it over and submit any comments before the item comes back at a future meeting.

8. Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley’s Code of Ordinances, at a Meeting of City Council, a Member of City Council May Place an Item on an Agenda by Making a Motion to Place the Item on a Future Agenda and Receiving a Second. No Discussion Shall Occur at the Meeting Regarding the Placement of the Item on a Future Agenda.

Mayor Chris Riley asked about adopting water rates, to which Dr. Caldera, City Manager responded would be coming back at a future meeting; asked for an item to discuss the salary allocation that was moved this evening, to which Dr. Caldera, City Manager, responded would be discussed in January.

Councilor Philip Campos asked for "a picture" to the citizens of what are the needs in terms of health, welfare, and safety that need to be addressed as well as the Enterprise Fund; and the other item is the revision to the Impact Fees.

Councilor Will Bradshaw wants to look at the appointment process for the Planning & Zoning Commission.

9. Adjournment

Mayor Riley announced that the meeting adjourned at 9:49 PM

These minutes approved by the Leon Valley City Council on the 3rd of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

ATTEST: _____
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY



8/6/2024
{Section}.62.

BEXAR APPRAISAL DISTRICT

BOARD OF DIRECTORS

DAVE GANNON
Chair
JON FISHER
Vice Chair
Dr. ADRIANA ROCHA GARCIA
Councilwoman, District 4
Secretary

411 N. Frio, P.O. Box 830248
San Antonio, TX 78283-0248
Phone (210) 224-8511
Fax (210) 242-2451
ROGELIO SANDOVAL, Chief Appraiser

BOARD OF DIRECTORS

Dr. RALPH E. BARKSDALE
Reverend
ROBERT BRUCE
ERIKA HIZEL
NAOMI MILLER
REBECCA RUIZ
ALBERT URESTI, MPA
Tax Assessor-Collector

August 5, 2024

VIA CERTIFIED MAILER

9589 0710 5270 1528 1765 19

The Honorable Chris Riley, Mayor
City of Leon Valley
6400 El Verde Rd.
Leon Valley, TX 78238

RE: 2025 Bexar Appraisal District Board of Directors Appointments – Nomination Phase

Dear Mayor Riley:

Added in SB2 of the second special session of the 88th legislature, Section 6.0301 of the Texas Property Tax Code applies to appraisal districts established in a county with a population of 75,000 or more and alters the make-up of the Bexar Appraisal District Board of Directors. Three members elected by majority vote in the May 2024 general election joined the five directors appointed by the taxing units that participate in the district in the manner prescribed by Section 6.03, Texas Property Tax Code.

To implement the necessary term changes and as required by Section 5.13(d), Texas Property Tax Code, members appointed in this cycle shall draw lots at the first meeting of 2025 to determine which two shall serve a term of one year, beginning January 1st, 2025 and expiring December 31st, 2025, and which three shall serve a term of three years, beginning January 1st, 2025 and expiring December 31st, 2027. After that, appointed members will serve in four-year terms.

To begin the appointment process, each taxing unit authorized to vote may nominate one candidate for each of the five positions on the Bexar Appraisal District Board of Directors **by resolution of its governing body** and submit the name(s) of the unit's nominee(s) to the Chief Appraiser **by October 15th.**

To serve as a member of the board of directors, your nominee:

- must be a resident of the district for at least two years immediately preceding the date they take office (*Section 6.03(a)*);
- may not be an employee of a participating tax unit unless the individual is also a member of the governing body or an elected official (*Section 6.03(a)*);

- may not have engaged in the business of appraising property for compensation or has represented property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding three years or be related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation or has represented property owners for compensation in proceedings under this title in the appraisal district (*Section 6.035(a)(1) & (a-1)(2)*);

- may not own property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency. This restriction does not apply if the person is paying the delinquent taxes or has deferred or abated a suit to collect delinquent taxes (*Section 6.035(a)(2) & 6.412(a)(2)*); or

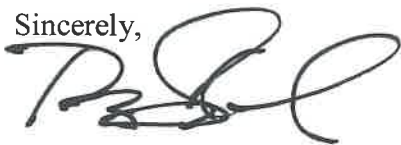
- may not have served as a member of the board of directors for all or part of five terms unless the individual was the county assessor-collector at the time the individual served (*Section 6.035(a-1)(A)*).

The number of votes each taxing unit is entitled to in this year's selection process has been calculated and enclosed. Before October 30th, the chief appraiser will mail a ballot to the presiding officer of each taxing unit. After receiving the ballot, each eligible taxing unit will cast its allotted votes by resolution of its governing body and submit the votes to me before December 15th.

Please note, Section 6.03, Texas Property Tax Code states that taxing units with at least 5% of the total votes in the election for Bexar Appraisal District Board of Directors must determine its vote by resolution adopted at the first or second open meeting of the governing body held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body. The votes will be counted as soon as possible after December 15th, and the five candidates with the greatest number of votes will be declared elected. The chief appraiser will submit the results to the taxing units before December 31st.

If you have any questions about the process, please contact me or my Executive Assistant, Jimmy Saiz, at (210)242-2409.

Sincerely,



Rogelio Sandoval
Chief Appraiser

Enclosure

CC Via Regular Mail w/Enclosures:
Ms. Crystal Caldera, Ph.D., City Manager
Ms. Carol Goering, Finance Director

Taxing Unit	2023 Tax Levy	Sum of Levies	Votes	% of Votes
ALAMO COMMUNITY COLLEGE DIST.	\$352,556,080.00	\$4,005,118,459.00	440	8.80%
CITY OF ALAMO HEIGHTS	\$7,970,802.00	\$4,005,118,459.00	10	0.20%
ALAMO HEIGHTS ISD	\$77,276,272.00	\$4,005,118,459.00	96	1.93%
CITY OF BALCONES HEIGHTS	\$2,165,772.00	\$4,005,118,459.00	3	0.05%
BEXAR COUNTY	\$603,025,605.00	\$4,005,118,459.00	753	15.06%
BOERNE ISD	\$31,171,310.00	\$4,005,118,459.00	39	0.78%
CITY OF CASTLE HILLS	\$4,713,877.00	\$4,005,118,459.00	6	0.12%
CITY OF CHINA GROVE	\$386,555.00	\$4,005,118,459.00	0	0.01%
COMAL ISD	\$36,725,302.00	\$4,005,118,459.00	46	0.92%
CITY OF CONVERSE	\$11,084,608.00	\$4,005,118,459.00	14	0.28%
EAST CENTRAL ISD	\$64,845,037.00	\$4,005,118,459.00	81	1.62%
EDGEWOOD ISD	\$22,898,510.00	\$4,005,118,459.00	29	0.57%
CITY OF ELMENDORF	\$932,275.00	\$4,005,118,459.00	1	0.02%
CITY OF FAIR OAKS RANCH	\$4,638,223.00	\$4,005,118,459.00	6	0.12%
FLORESVILLE ISD	\$27,830.00	\$4,005,118,459.00	0	0.00%
CITY OF GREY FOREST	\$63,881.00	\$4,005,118,459.00	0	0.00%
HARLANDALE ISD	\$30,649,855.00	\$4,005,118,459.00	38	0.77%
CITY OF HELOTES	\$4,823,311.00	\$4,005,118,459.00	6	0.12%
CITY OF HILL COUNTRY VILLAGE	\$662,385.00	\$4,005,118,459.00	1	0.02%
TOWN OF HOLLYWOOD PARK	\$3,481,288.00	\$4,005,118,459.00	4	0.09%
JUDSON ISD	\$147,229,534.00	\$4,005,118,459.00	184	3.68%
CITY OF KIRBY	\$3,268,327.00	\$4,005,118,459.00	4	0.08%
CITY OF LEON VALLEY	\$6,206,190.00	\$4,005,118,459.00	8	0.15%
CITY OF LIVE OAK	\$7,535,592.00	\$4,005,118,459.00	9	0.19%
CITY OF LYTLE	\$5,533.00	\$4,005,118,459.00	0	0.00%
MEDINA VALLEY ISD	\$30,991,304.00	\$4,005,118,459.00	39	0.77%
NORTH EAST ISD	\$492,382,546.00	\$4,005,118,459.00	615	12.29%
NORTHSIDE ISD IN BEXAR COUNTY	\$742,072,266.00	\$4,005,118,459.00	926	18.53%
CITY OF OLMOS PARK	\$3,964,571.00	\$4,005,118,459.00	5	0.10%
CITY OF SAN ANTONIO	\$808,814,725.00	\$4,005,118,459.00	1010	20.19%
SAN ANTONIO ISD	\$316,455,361.00	\$4,005,118,459.00	395	7.90%
CITY OF SANDY OAKS	\$568,543.00	\$4,005,118,459.00	1	0.01%
CITY OF SCHERTZ	\$3,295,460.00	\$4,005,118,459.00	4	0.08%
SCHERTZ-CIBOLO ISD	\$14,263,764.00	\$4,005,118,459.00	18	0.36%
CITY OF SELMA	\$2,081,231.00	\$4,005,118,459.00	3	0.05%
CITY OF SHAVANO PARK	\$4,835,316.00	\$4,005,118,459.00	6	0.12%
CITY OF SOMERSET	\$999,660.00	\$4,005,118,459.00	1	0.02%
SOMERSET ISD IN BEXAR COUNTY	\$6,155,122.00	\$4,005,118,459.00	8	0.15%
SOUTH SAN ISD	\$30,061,876.00	\$4,005,118,459.00	38	0.75%
SOUTHSIDE ISD	\$25,992,088.00	\$4,005,118,459.00	32	0.65%
SOUTHWEST ISD	\$75,448,918.00	\$4,005,118,459.00	94	1.88%
CITY OF ST HEDWIG	\$1,207,166.00	\$4,005,118,459.00	2	0.03%
CITY OF TERRELL HILLS	\$6,948,578.00	\$4,005,118,459.00	9	0.17%
CITY OF UNIVERSAL CITY	\$10,420,187.00	\$4,005,118,459.00	13	0.26%
CITY OF WINDCREST	\$3,815,823.00	\$4,005,118,459.00	5	0.10%

TOTAL	\$4,005,118,459.00		5000	100%
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Texas Property Tax Code Sec. 6.03

"The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district."

***A recent amendment to Section 6.03, Texas Tax Code states "A taxing unit with at least 5% of the total votes in the election for Bexar Appraisal District Board of Directors must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body."**

RESOLUTION No. 24-0__R

RESOLUTION GIVING THE CITY OF LEON VALLEY’S EIGHT (8) VOTES TO NISD FOR THE BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE 2025 TERM.

WHEREAS, the City of Leon Valley has received notice that the Nomination Phase for the Bexar Appraisal District Board of Directors for 2025 is open;

WHEREAS, the City of Leon Valley will be transferring the City's eight (8) votes to NISD; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, provides all of its eight (8) votes to NISD in Bexar County.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 3rd day of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAGUE, TRMC
City Secretary

Approved as to Form: _____
ARTURO D. “ART” RODRIGUEZ
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: September 03, 2024
TO: Mayor and Council
FROM: Sandra Passailaigue, City Secretary
THROUGH: Dr. Crystal Caldera, City Manager
SUBJECT: Discussion and Possible Action of a Resolution of the City of Leon Valley, TX., City Council Appointing Members to the Board of Adjustment
SPONSOR(S): (N/A)

PURPOSE

The purpose of this item is to appoint Members to the Board of Adjustment for a term of two-years to expire on June 30, 2026

THE FOLLOWING APPLICATIONS WERE SUBMITTED:

Drew Power – Received 08-15-2024
Don Friedeck – Received 08-15-2024
Teresa Moser – Received 08-20-2024

FISCAL IMPACT

None

STRATEGIC GOALS

Not applicable

RECOMMENDATION

City Council Discretion

[BOARD OF ADJUSTMENT - Coterminous with the Mayor](#)

BOARD OF ADJUSTMENT			
Name	Position	Appointed	Term
Danielle Bolton	Board Member	6/4/2024 Res. No. 24-022R	Term Expires: 6/30/2026
Linda Barker	Board Member	6/4/2024 Res. No. 24-022R	Term Expires: 6/30/2026
<i>Vacant</i>	Board Member		Term Expires: 6/30/2026
<i>Vacant</i>	Board Member		Term Expires: 6/30/2026
<i>Vacant</i>	Board Member		Term Expires: 6/30/2026
<i>Vacant</i>	1st Alternate		Term Expires: 6/30/2026
<i>Vacant</i>	2nd Alternate		Term Expires: 6/30/2026
<i>Vacant</i>	3rd Alternate		Term Expires: 6/30/2026
<i>Vacant</i>	4th Alternate		Term Expires: 6/30/2026
Councilor Will Bradshaw	Council Place 5 Council Liaison	6/4/2024 Res. No. 24-022R	Term Expires: 6/30/2025
Mindy Teague	Planning/Zoning Director Staff Liaison	N/A	Term Expires: N/A

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

RESOLUTION NO. 24-0__R

A RESOLUTION OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

The following individual(s) are hereby appointed as Members to the **Board of Adjustment** with a term expiring June 30, 2026:

Drew Power Don Friedeck Teresa Moser

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

That the appointment of the aforementioned individual(s) to the Leon Valley Board of Adjustment and that the term become effective immediately.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley on this the 3rd day of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAGUE, TRMC
City Secretary

Approved as to Form: _____
ARTURO D. "ART" RODRIGUEZ
City Attorney

Discussion and Possible Action of a Resolution of the City of Leon Valley, TX., City Council Appointing Members to the Board of Adjustment

Sandra Passailaigue, TRMC
City Secretary
City Council Meeting
September 03, 2024

Summary

- Question
 - **City Council is being asked to consider applications for appointment to various boards, committees, and commissions.**
- Options
 - Recommended:
 1. Make the appointments.
 2. Seek other/more applicants.

Purpose

- Discussion and Possible Action of a Resolution Appointing a Members to the Board of Adjustment.
 - The purpose of this item is to:
 1. To present to City Council all City of Leon Valley applications on file for consideration(2-year term)
 - **Applications were submitted by the following:**
 - » Drew Power – Received 08-15-2024
 - » Don Friedeck – Received 08-15-2024
 - » Teresa Moser – Received 08-20-2024

Current Board of Adjustment

BOARD OF ADJUSTMENT			
Name	Position	Appointed	Term
Danielle Bolton	Board Member	6/4/2024 Res. No. 24-022R	Term Expires: 6/30/2026
Linda Barker	Board Member	6/4/2024 Res. No. 24-022R	Term Expires: 6/30/2026
Vacant	Board Member		Term Expires: 6/30/2026
Vacant	Board Member		Term Expires: 6/30/2026
Vacant	Board Member		Term Expires: 6/30/2026
Vacant	1st Alternate		Term Expires: 6/30/2026
Vacant	2nd Alternate		Term Expires: 6/30/2026
Vacant	3rd Alternate		Term Expires: 6/30/2026
Vacant	4th Alternate		Term Expires: 6/30/2026
Councilor Will Bradshaw	Council Place 5 Council Liaison	6/4/2024 Res. No. 24-022R	Term Expires: 6/30/2025
Mindy Teague	Planning/Zoning Director Staff Liaison	N/A	Term Expires: N/A

MAYOR AND CITY COUNCIL COMMUNICATION

DATE: September 3, 2024

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 6 Health and Sanitation, Article 6.03 Weeds, High Grass, and Debris, Section 6.03.002 Prohibited Conditions, (a) to Mandate the Removal of Dead Trees

SPONSOR(S): City Council

PURPOSE

This M & C is to consider approval of an Ordinance amending Chapter 6 Health and Sanitation, Article 6.03 Weeds, High Grass, and Debris, Section 6.03.002 Prohibited Conditions, (a) to mandate the removal of dead trees. The amendment to the section is in bold text below:

“It shall be unlawful for any person, or his agent, owning, renting or having under his control any lot or premises, whether vacant or improved, within the city, to permit the same to be covered, in whole or in part, with any weeds, high grass, down timber or brush, old logs, **dead trees or shrubs**, decaying vegetable matter, trash or trash piles, junk, scrap, open garbage, filth or debris whatsoever, and same are hereby declared to be public nuisances, a hazard and menace to public health, and fire hazards.”

The Code requires that property owners remove all weeds, high grass, down timber or brush, old logs, decaying vegetable matter, etc., but it does not mandate that property owners remove dead trees and shrubs.

Dead trees present a hazard to the general public by damage from falling limbs to homes, sidewalks, streets, vehicles, property, fences, the spread of Oak wilt and other tree diseases, and create a potential fire hazard. Dead trees also diminish the economic vitality of subdivisions and businesses by presenting an unkempt and aesthetically displeasing appearance.

FISCAL IMPACT

Removing dead trees is costly and the larger the tree the more costly it becomes. The location of the dead tree may also add to the cost of removal (i.e., against a building, entangled in electrical or telecommunications wires). The property owners will be

responsible for all costs associated with such removal. If a property owner does not remove a dead tree after proper notification, the City will cause such removal and submit the charges to the owner. If the owner does not pay, a lien will be filed against the property.

RECOMMENDATION

At the City Council’s discretion.

APPROVED : _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 6 HEALTH AND SANITATION, ARTICLE 6.03 WEEDS, HIGH GRASS, AND DEBRIS, SECTION 6.03.002 PROHIBITED CONDITIONS (A) TO MANDATE THE REMOVAL OF DEAD TREES; PROVIDING FOR REPEALER, SEVERABILITY, AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Leon Valley Code of Ordinances, Chapter 6 Health and Sanitation requires that property owners remove all weeds, high grass, down timber or brush, old logs, decaying vegetable matter, etc., but it does not mandate that property owners remove dead trees and shrubs; and

WHEREAS, dead trees present a hazard to the general public by damage from falling limbs to homes, sidewalks, streets, vehicles, property, fences, the spread of Oak wilt and other tree diseases, and create a potential fire hazard; and

WHEREAS, dead trees also diminish the economic vitality of subdivisions and businesses by presenting an unkempt and aesthetically displeasing appearance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. Chapter 6 Health and Sanitation, Article 6.03 Weeds, High Grass, and Debris, Section 6.03.002 Prohibited Conditions, (a) is hereby amended to read as follows:

“It shall be unlawful for any person, or his agent, owning, renting or having under his control any lot or premises, whether vacant or improved, within the city, to permit the same to be covered, in whole or in part, with any weeds, high grass, down timber or brush, old logs, **dead trees or shrubs**, decaying vegetable matter, trash or trash piles, junk, scrap, open garbage, filth or debris whatsoever, and same are hereby declared to be public nuisances, a hazard and menace to public health, and fire hazards.”

SECTION 2. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

SECTION 3. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 4. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 3rd day of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

ARTURO D. 'ART' RODRIGUEZ
City Attorney

Code Amendment Chapter 6 Health and Sanitation Dead Tree Removal

Melinda Moritz
Public Works Director
City Council Meeting
September 3, 2024

Summary

- Question
 - City Council is being asked to approve an amendment to Chapter 6 Health and Sanitation to mandate the removal of dead trees from private property
- Options
 - Approve
 - Deny
 - Other
- Declaration
 - At City Council discretion

Purpose

- To consider amending the Health and Sanitation Code to require the removal of dead trees

Background/Purpose

- Current Code requires property owners to remove all weeds, high grass, down timber or brush, etc., but doesn't require property owners to remove dead trees & shrubs
- Dead trees present a hazard to the general public by possible damage from falling limbs onto homes, sidewalks, streets, vehicles, property, fences, the spread of Oak wilt and other tree diseases, and create a potential fire hazard
- Dead trees may also diminish the economic vitality of subdivisions & businesses by presenting an unkempt & aesthetically displeasing appearance

Proposed Amendment

- Adding bolded text to existing Section:
- “(a) It shall be unlawful for any person, or his agent, owning, renting or having under his control any lot or premises, whether vacant or improved, within the city, to permit the same to be covered, in whole or in part, with any weeds, high grass, down timber or brush, old logs, **dead trees or shrubs**, decaying vegetable matter, trash or trash piles, junk, scrap, open garbage, filth or debris whatsoever, and same are hereby declared to be public nuisances, a hazard and menace to public health, and fire hazards.”

Fiscal Impact

- Removing dead trees is costly & the larger the tree the more costly it becomes
 - Location of the dead tree may also add to the cost of removal (i.e., against a building, entangled in electrical or telecommunications wires)
- The property owners would be responsible for all costs for removal
- If a property owner doesn't comply after proper notification, the City would cause such removal & bill the owner
- If the owner doesn't pay, a lien would be filed against the property

Recommendation

- At City Council's discretion

MAYOR AND CITY COUNCIL COMMUNICATION

DATE: September 3, 2024
TO: Mayor and City Council
FROM: Melinda Moritz, Public Works Director
THROUGH: Crystal Caldera, Ph.D., City Manager
SPONSOR(S): N/A

SUBJECT: Presentation, **Public Hearing**, and Possible Action to Consider Approval of a Plat of Approximately 2.238-Acres of Land, Being P-8, Abstract 317, CB 4431 to Lots 12 & 13, Block 11, CB 4431, Leon Valley Addition Subdivision, Located at 6301 Sawyer Rd, with a Variance Request to Not Build a Sidewalk

PURPOSE:

To consider approval of a plat of a 2.238-acre tract of land, being P-8, Abstract 317, CB 4431 to Lots 12 & 13, Block 11, CB 4431, Leon Valley Addition Subdivision, an approximately 11-acre tract of land, located at 6301 Sawyer Rd, with a variance request to not build a sidewalk.

HISTORY:

The Wat Dhammabucha Buddhist Temple is located on an unplatted 2.238-acre tract of land, zoned R-1 Single Family Dwelling, in the 6300 block of Sawyer Road. In January of 2021, the use “church” was not allowed in the R-1 zoning district, and the Temple wanted to expand their operations with the construction of a prayer hall. In order to be allowed to expand, they applied for and were granted Planned Development District Zoning (PDD #1), with an accompanying approved site development plan. The development never occurred and the PDD expired in January of 2023.

In July of 2021, the Zoning Code was revised to allow use “church” in all zoning districts (Ord. No. 2021-30). This change made the need for a PDD unnecessary; however, the property must be platted in order to obtain a building permit.

In addition to being platted, all portions of the Subdivision and Zoning Codes, as they relate to landscaping, parking, lighting, drainage, connection to the water and sanitary sewer system, and other public improvements, must be met.

The City Engineer states the plat meets all requirements with the exception of plans for a sidewalk. The applicant is requesting a variance to not build a sidewalk along the frontage of their property. The property owner is allowed to request variances to the Subdivision Code from the City Council.

NOTIFICATION

Twelve (11) letters were sent to surrounding property owners.

- 0 - Opposed
- 0 – In Favor
- 0 – Undeliverable

FISCAL IMPACT:

The applicant has paid all fees associated with this project.

RECOMMENDATION

At their 8-27-24 meeting, the Planning and Zoning Commission recommended approval of the plat and the requested variance.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

 Sandra Passailaigue, TMRC
 City Secretary

Request for a Plat 6301 Sawyer Rd Leon Valley Addition Subdivision

Melinda Moritz
Public Works Director
City Council Meeting
September 3, 2024



Background

{Section}.71.

- Request is to plat the Wat Dhammabucha Buddhist Temple, located on an unplatted 2.238-acre tract of land, zoned R-1 Single Family Dwelling, in the 6300 block of Sawyer Road
- Jan 2021 - the use “church” not allowed in R-1 zoning district
- Temple wanted to expand their operations with the construction of a prayer hall

Background

{Section}.71.

- In order to expand, they applied for & were granted Planned Development District Zoning (PDD #1), with an approved site development plan
- Development never occurred & PDD expired (Jan 2023)
- Per the City Engineer, plat & buildings meet all requirements of city code

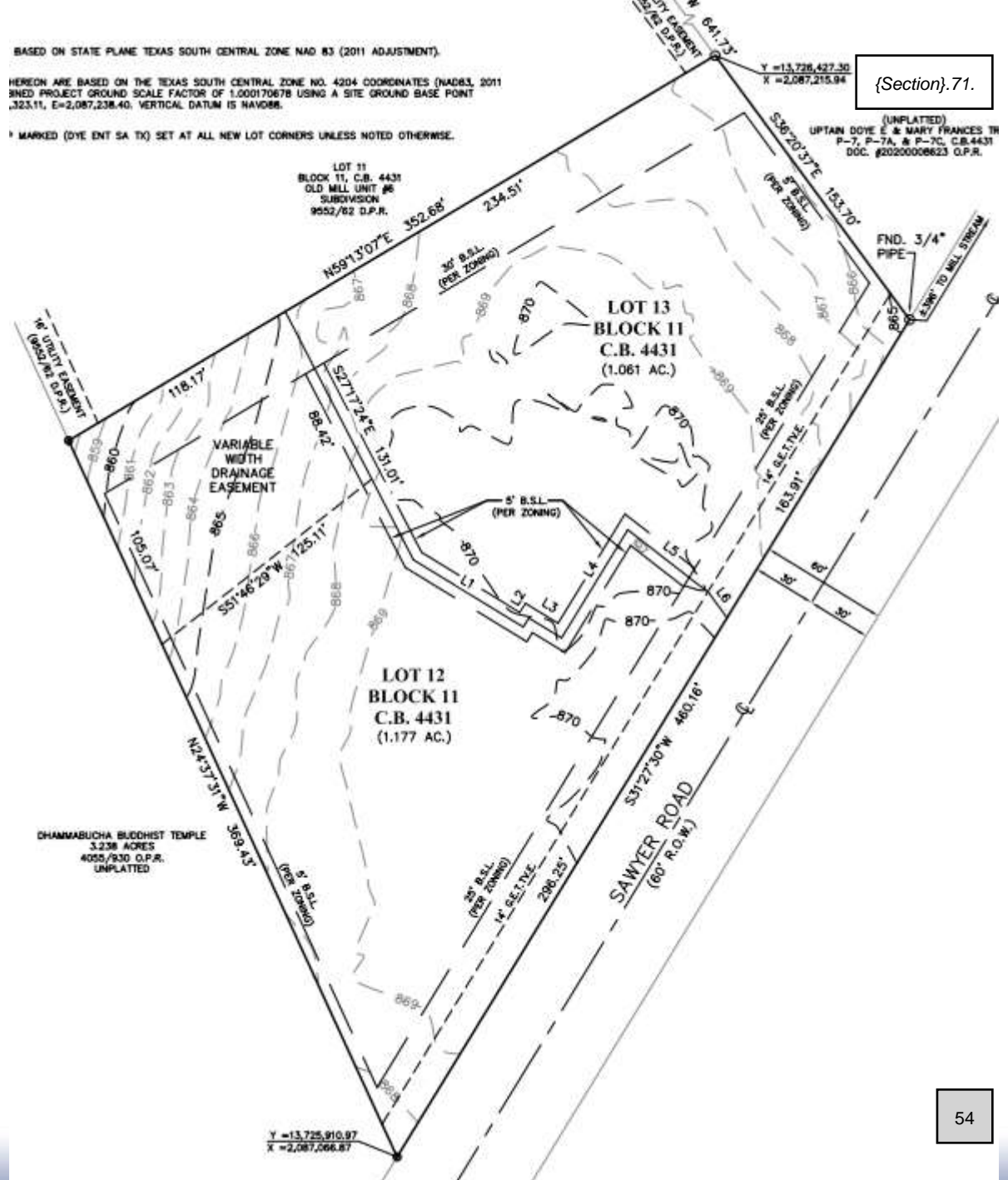
6301 Sawyer Plat

BASED ON STATE PLANE TEXAS SOUTH CENTRAL ZONE NAD 83 (2011 ADJUSTMENT).

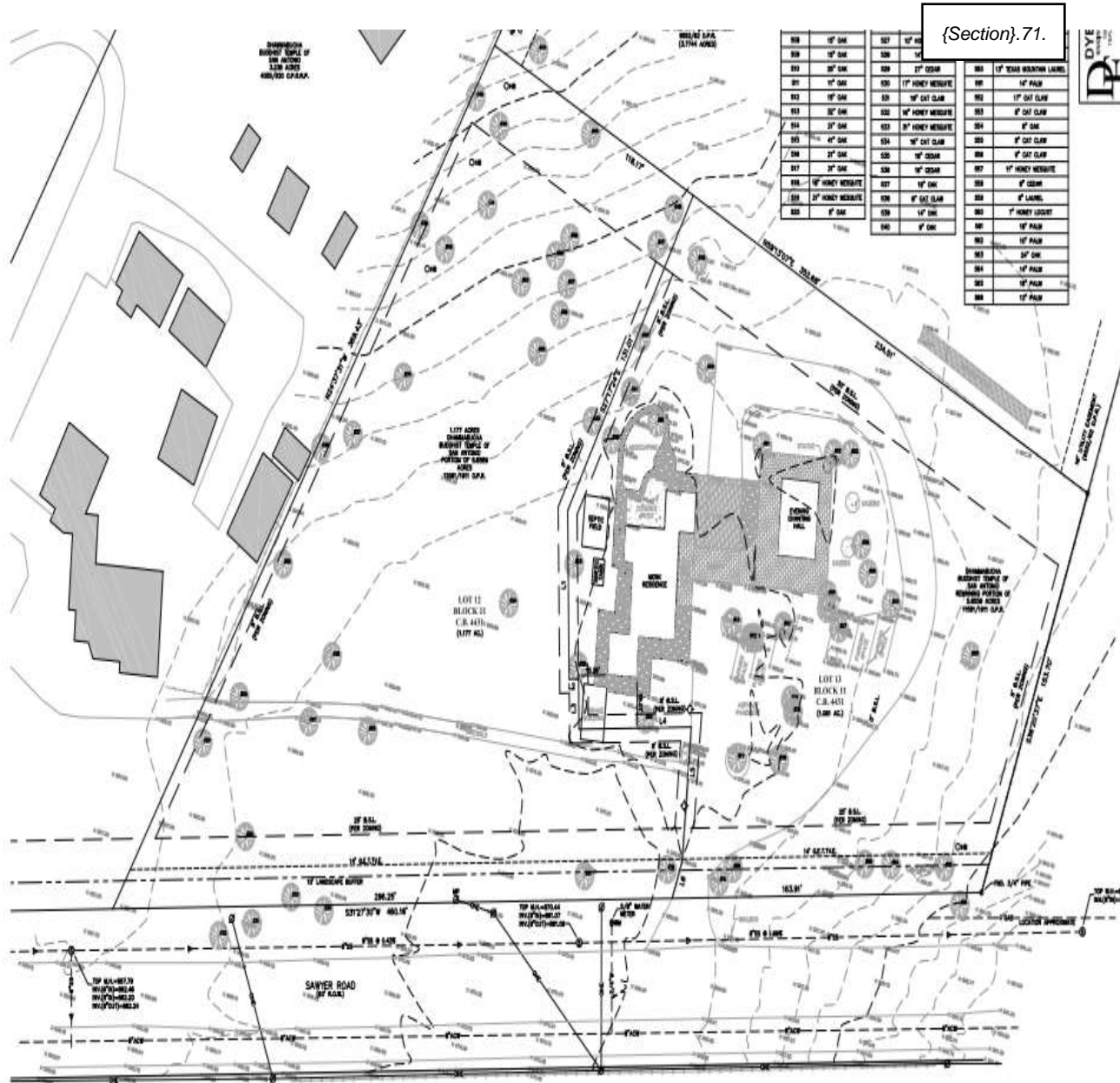
HEREON ARE BASED ON THE TEXAS SOUTH CENTRAL ZONE NO. 4204 COORDINATES (NAD83, 2011 3RD EDITION) GROUND SCALE FACTOR OF 1.000170678 USING A SITE GROUND BASE POINT 323.11, E=2,087,238.40. VERTICAL DATUM IS NAVD88.

MARKED (DYE ENT SA TX) SET AT ALL NEW LOT CORNERS UNLESS NOTED OTHERWISE.

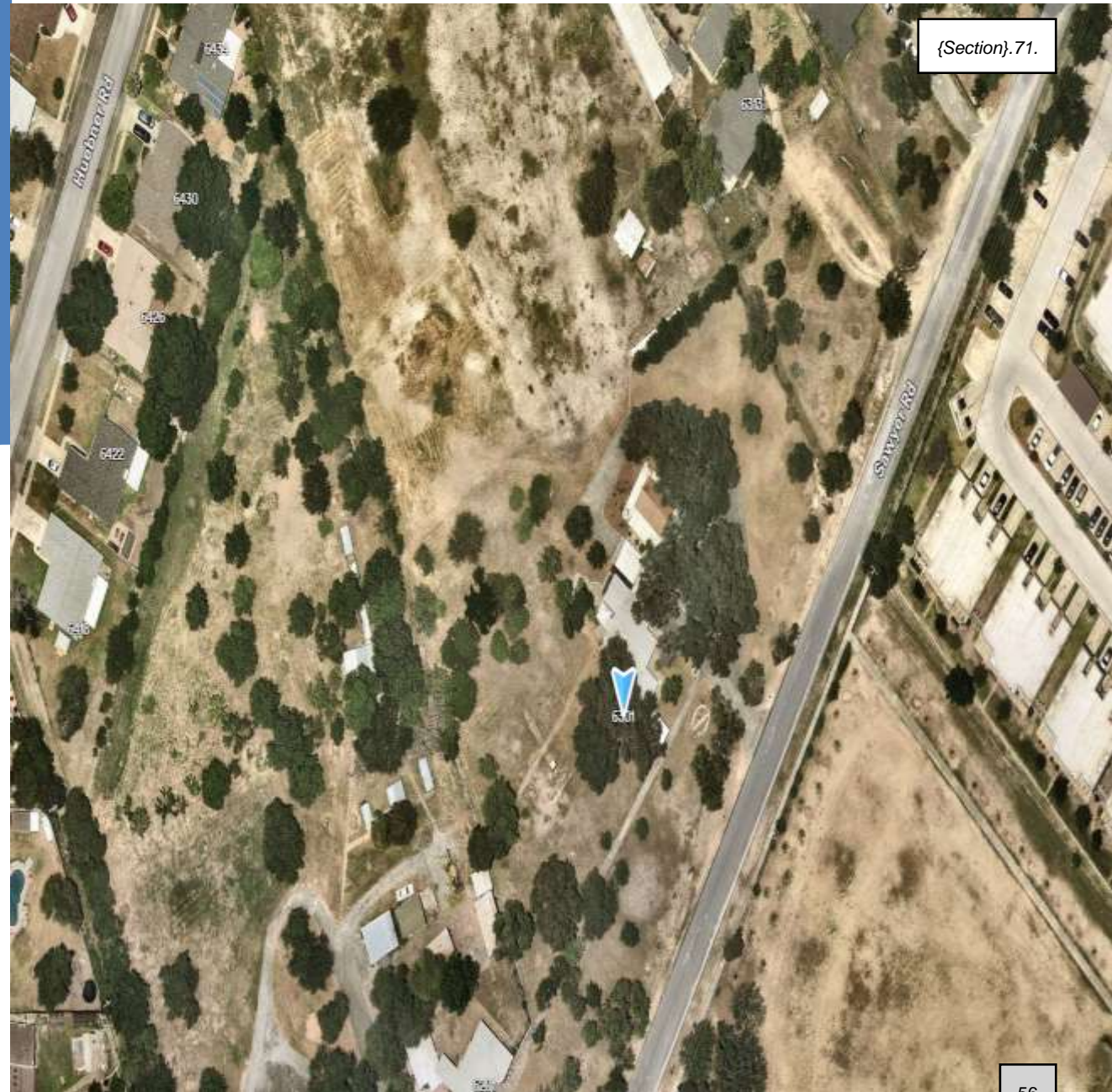
{Section}.71.



Existing Conditions



Aerial



{Section}.71.

Fiscal Impact

- The owner has paid all fees associated with the plat

Recommendation

- At their 8-27-24 meeting, the Planning and Zoning Commission recommended approval of the plat and the requested variance

MAYOR AND COUNCIL COMMUNICATION

DATE: September 3, 2024
TO: Planning and Zoning Commission
FROM: Rogue Salinas, Economic Development Director
THROUGH: Crystal Caldera, City Manager
SPONSOR(S): N/A

SUBJECT: Presentation, Discussion, and Possible Action to Consider Approval of a Request by Burkett Media for a Variance to Chapter 3 Building Regulations, Article 3.04 Signs, Section 3.04.011 On-Premises Signs, (3)Sign height, (D) 60 feet on expressway frontage roads., Located at 5920 Bandera Road, being Lot 1, Block 1, CB 4429M, Finkel Subdivision

PURPOSE

The applicant, Burkett Media, is requesting a variance to allow construction of an on-premises sign (pole sign), to be located at 5920 Bandera Road with a height of 75 feet.

The Leon Valley City Code, Chapter 3 Building Regulations, Article 3.04 Signs, Section 3.04.011 On Premise Signs, allows a maximum height of 60 feet. The current sign (IHOP) is being obstructed by a new billboard on the lot adjacent to this lot. The current sign will be moved approximately 12 feet closer to the building and will extend to 75 feet in height if the variance is approved.

Fiscal Impact

The applicant has paid all fees associated with this project. The applicant is depending on this sign to attract customers that would otherwise not have known the restaurant was at that location, due to the Loop 410 and flyover height.

APPROVED : _____ DISAPPROVED : _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST :

Sandra Passailaigue, TMRC
City Secretary



**CITY OF LEON VALLEY
A SIGN VARIANCE**

Burkett Media, applicant, Project Number PZ-2024-23, is hereby granted a variance to the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.04 Signs, Section 3.04.011 On-Premises Signs, (3) Sign height, (D) 60 feet on expressway frontage roads, located at 5920 Bandera Road, being Lot 1, Block 1, CB 4429M, Finkel Subdivision, in the City of Leon Valley, Texas, to allow a sign height of 75 feet.

The City Council of the City of Leon Valley voted approval of the above variance on the 3rd day of September, 2024.

Chris Riley
Mayor

Attest:

Saundra Passailaigue, TMRC
City Secretary

Consider Request for Variance Sign Height 5920 Bandera Road

Roque Salinas

Economic Development Director

9/3/2024

Summary

- Question – should the City Council approve a request for a variance to the allowed sign height at 5920 Bandera Road
- Options
 - Approve
 - Deny
 - Other
- Declaration
 - At City Council discretion

Background

- Applicant is requesting a variance to allow construction of an on-premise sign (pole sign), located at 5920 Bandera Road, at 75 ft high
- LVCC Chpt 3 Building Regulations, Article 3.04 Signs, Section 3.04.011 On Premise Signs, allows a max height of 60 feet
- Current sign (IHOP) is obstructed by new electric billboard on adjacent lot
- Sign to be moved approx. 12 ft closer to building & be 75 ft in height if variance is approved

Current Sign

IHOP Variance for New 75' Tall Sign Rendering Showing Current vs New Sign



Proposed Sign



Proposed Sign

{Section}.72.

Sign Variance Needed to:

Raise IHOP Sign to 75'

Will Still Be Approx 5' Shorter than Sketchers Sign

Consistent with Surrounding Area

IHOP Owner will Benefit from Added Exposure

Burkett Media Billboard will become Unobstructed

Allows Both Parties to Benefit

City and Local Businesses Benefit with Better Ad Exposure

***City Gets Free Ad Spot to Promote City and Events**

New Sign / Brand New - More Aesthetically Pleasing

Existing IHOP Sign is Dated and Needs Paint / Repair



Fiscal Impact

- The owner has paid all fees associated with this application
- Sign may attract customers that might not know the restaurant is at this location, increasing sales tax

Recommendation

- At the City Council's discretion

MAYOR AND CITY COUNCIL COMMUNICATION

DATE: September 3, 2024

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation, Discussion, and Possible Action to Consider Approval of a Petition for Preliminary Acceptance of Public Improvements at 7213 Huebner Road, Being a 10.009 Acre Tract of Land Known as Lots 1-24 and 902, Block 1, Lots 1-38, Block 2, Lots 1-9, and 901, Block 3, Lots 1-12, Block 4, and Lot 903, Block 5, CB 4446, Poss Landing Subdivision

SPONSOR(S): N/A

PURPOSE

To approve the Developer’s Petition for Preliminary Acceptance of Public Improvements (water, sanitary sewer) at Poss Landing Subdivision.

On July 26, 2024, the Planning and Zoning Commission approved the plat of Poss Landing Subdivision. On August 27, 2024, the City Engineer performed a final inspection of the Public Improvements and found them to be satisfactorily constructed according to pertinent codes.

This item relates to the regulations outlined in Chapter 10 Subdivision Code, Division 8 Guarantee of Performance.

FINANCING

The applicant has posted a Maintenance Bond in the amount of \$56,763.63 (ten percent of the actual cost of construction of improvements) to guarantee compliance with the one-year maintenance agreement. Correction of any deficiencies after one year will be performed by the owner prior to final acceptance by the City Council.

RECOMMENDATION

Staff recommends approval.

APPROVED : _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC

CITY OF LEON VALLEY

PART I

DEVELOPER PETITION FOR PRELIMINARY ACCEPTANCE OF PUBLIC IMPROVEMENTS

STATE OF TEXAS X

COUNTY OF BEXAR X

CITY OF LEON VALLEY X

WHEREAS, Century Land Holdings II, LLC, hereinafter called Owner, the owner of the land described as Poss Landing Subdivision, desires to file this, Petition, with the City Council of the City of Leon Valley. This petition is being filed in accordance with the terms and provisions of the current regulations.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: Century Land Holdings II, LLC respectfully files this, Petition, with the City Council of the City of Leon Valley for preliminary acceptance of the following described public improvements (list):

- Water
- Sanitary Sewer

(Improvement projects shall have limits defined by street, alley between streets, and/or across easements by description of the property.)

OWNER, in filing this petition, sets forth the following information as required in current regulations:

- A. Attached is Exhibit "A", a true and correct copy of the itemized construction costs of the above described project(s). Construction was accomplished by Contractor VK Knolton Construction & Utilities, Inc. (Name) at a total cost of \$ 56,763.63.
- B. Attached is Exhibit "B", a maintenance bond in the amount of ten percent (10%) of the itemized construction costs of the above public improvements.
- C. Attached is Exhibit "C", one electronic and one (1) hard true and correct copy of record (i.e., "as built") drawings certified to by a registered professional engineer.
- D. Attached is Exhibit "D", one electronic (1) and one hard true and correct copy of field density tests and material source tests, certified by a recognized testing laboratory. (Exhibit "D" is required only for street and alley improvements.)

OWNER GUARANTEES:

- A. All materials and workmanship to be in accordance with approved plans [and] specifications prescribed by the City; and
- B. To correct any and all deficiencies not in accordance with approved plan and specifications as may be noted until final acceptance by the City; and
- C. All materials, workmanship and maintenance in good condition for a period of one (1) year from the date of preliminary acceptance by the City and/or until City final acceptance. The owner, upon completion of the maintenance period, will advise the

City when said improvements are ready for final inspection and concurrently request final acceptance thereof. The acceptance of this petition based upon preliminary acceptance of the improvements listed shall not impose any duty upon the City concerning the maintenance of the herein described project(s) until they shall be finally accepted by the Leon Valley City Council.

WHEREFORE, PREMISES CONSIDERED Century Land Holdings II, LLC respectfully requests that this, Petition, be in all things accepted.

Executed on this the 8th day of July, A.D. 2024.

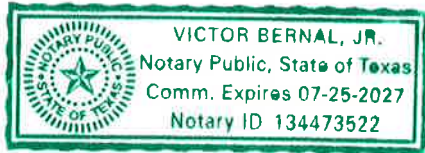
Owner: 

ATTEST: By: 

BEFORE ME, the undersigned authority on this day personally appeared Rudy Munoz, Authorized Signatory of Century Land Holdings II, LLC, a Colorado limited liability company , known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and consideration therein expressed (in the capacity therein stated, as the act and deed of said corporation).

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 8th day of July, A.D. 2024.

(Seal)



Notary Public in and for Bexar County, Texas

My Commission expires: July 25, 2027

PRELIMINARY ACCEPTANCE

The improvements listed above have been inspected as required by current regulations. I recommend the above petition be in all things granted, subject to the one-year maintenance, in good condition and correction of the deficiencies as may from time to time be noted until final acceptance by the City Council of Leon Valley, Texas.

Date

City Engineer

APPROVED AND PRELIMINARILY ACCEPTED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, SUBJECT TO FULFILLMENT OF THE OWNER'S GUARANTEE AS RECORDED IN THE CORPORATE MINUTES BOOK NUMBER

_____, PAGE _____, dated the _____ day of _____ A.D. 20____.

ATTEST:

Mayor:
City Secretary:

MAINTENANCE BOND APPROVAL

06/25/2024

Mindy Teague
Planning and Zoning Director
City of Leon Valley
6400 El Verde Road
Leon Valley, Texas 78238

Re: Approval Letter – Poss Landing Unit 1 Maintenance Bond

Dear Ms. Teague:

We have reviewed the Maintenance Bond for Poss Landing Unit 1 submitted by M.W. Cude Engineers, LLC, and recommend it be approved and allowed to move forward.

If you have any questions, please feel free to contact me at (210) 822-2232.

Sincerely,
Ardurra (Formerly LNV, Inc)
TBPE Firm No. F-366



Ricardo J. Zamora, P.E., CFM
Senior Project Manager

**CONSTRUCTION COST
FOR MAINTENANCE BOND**

PLAT NAME: POSS LANDING

PROJECT #: PZ-2022-20

DATE: June 18, 2024

IMPROVEMENT	ORIGINAL COST	% TO BOND	BOND AMOUNT
WATER	\$204,395.25	10.00%	\$20,439.53
SEWER	\$363,241.00	10.00%	\$36,324.10
TOTAL AMOUNT OF BOND:			<u>\$56,763.63</u>

PREPARED BY:

ENGINEER: M. W. Cude Engineers, L.L.C.
ADDRESS: 4122 Pond Hill Road, Suite 101
San Antonio, Tx. 78231

TBPE FIRM #455

PRICING AGREEMENT
(Master Land Development Agreement)

{Section}.73.

This Pricing Agreement ("Pricing Agreement") is issued pursuant to and is hereby made part of that certain Master Land Development Agreement ("Master Development Agreement") dated as of October 17, 2023 by and between **CENTURY LAND HOLDINGS II, LLC** ("Century") and Contractor (identified below). The Master Development Agreement is incorporated herein by this reference as though fully set forth herein, and this Pricing Agreement is fully subject to the terms of the Master Development Agreement. This Pricing Agreement shall define the pricing and scope of the Work to be performed on the Project identified below, should Century authorize Contractor to perform such Work by separate Work Order. The Pricing Agreement does not guarantee any amount of work to Contractor.

CONTRACTOR: V.K. KNOWLTON CONSTRUCTION & UTILITIES, INC

MASTER LAND DEVELOPMENT CONTRACT NUMBER: MLDC SIGNED MAY 3RD, 2018

SUBDIVISION/PROJECT NAME: POSS LANDING

OWNER OF PROPERTY: CENTURY LAND HOLDINGS II, LLC

CRAFT/TRADE: GENERAL CONTRACTOR


EFFECTIVE DATE: OCTOBER 17, 2023

Additional Terms

1. The prices listed herein, or the Scope of Work attached hereto, include all labor, materials, freight, delivery, fees and taxes. Anything not specifically excluded is deemed included. No other amounts shall be added without an express written agreement to add such amounts signed and dated by Century.
2. The Scope of Work attached hereto is hereby incorporated by reference into this Pricing Agreement. In the event any terms in the Scope of Work conflict with the Master Development Agreement, the Master Development Agreement shall control.
3. All capitalized terms used but not defined herein shall have the meaning given in the Master Development Agreement.
4. By executing the Pricing Agreement, Contractor represents that it has made its own independent investigation of the Project and all relevant circumstances as required by the Master Development Agreement.
5. By signing below, Contractor represents that it is the same legal entity that entered into the Master Development Agreement with Century, and that all information of Contractor contained therein and herein is current and agrees that the Master Development Agreement is in full force and effective and binding upon the parties.

CENTURY:

CENTURY LAND HOLDINGS II, LLC
a COLORADO LIMITED LIABILITY COMPANY

By: 

Name: RUDY MUNOZ

Title: VICE PRESIDENT OF LAND

Date: OCTOBER 17, 2023

CONTRACTOR:

V.K. KNOWLTON CONSTRUCTION + UTILITIES, INC.
(full legal name)

a, _____
(type of legal entity and state of organization)

By: 

Name: JED KNOWLTON

Title: VICE PRESIDENT

Date: 10/17/23

STREETS
SUBDIVISIONS
CONCRETE WORK
COMMERCIAL PAVING



UTILITIES
HIGHWAYS
EXCAVATING
BUSINESS PARKS

To: Century Communities	Contact: Victor Bernal
Address: 3619 Paesanos Parkway, Suite 304 San Antonio, TX 78231 US	Phone: (210) 405-0195
	Fax:
Project Name: Poss Landing	Bid Number: 02
Project Location: Bandera Rd. & Huebner Rd., San Antonio, TX	Bid Date: 10/18/2023

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
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General Improvements

01		Mobilization	1.00	LS	\$74,119.05	\$74,119.05
02		Site Clearing, Grind And Haul Off	10.00	ACRE	\$3,410.00	\$34,100.00
04		Construction Entrance	1.00	EACH	\$6,420.00	\$6,420.00
05		Concrete Washout Pit	1.00	LS	\$756.00	\$756.00
06		Silt Fence	3,115.00	LF	\$4.25	\$13,238.75
07		Inlet Protection	20.00	LF	\$22.60	\$452.00
08		Rock Berms	45.00	LF	\$46.50	\$2,092.50

Total Price for above General Improvements Items: \$131,178.30

Street Improvements

01		Street Excavation	5,100.00	CY	\$4.35	\$22,185.00
02		Street Embankment	550.00	CY	\$2.80	\$1,540.00
03		2" HMAC Type D (Local A)	7,450.00	SY	\$14.30	\$106,535.00
04		8" Flexible Base (Local A)	8,410.00	SY	\$10.80	\$90,828.00
05		Geogrid (Tensor TX7)	8,410.00	SY	\$6.00	\$50,460.00
06		6" Lime Stabilization (Local A)	8,410.00	SY	\$9.35	\$78,633.50
07		7" Concrete Curb	4,480.00	LF	\$10.70	\$47,936.00
08		Header Curb	84.00	LF	\$12.90	\$1,083.60
09		Remove Concrete Curb & Sidewalk	110.00	LF	\$5.65	\$621.50
10		Sawcut Asphalt	110.00	LF	\$6.70	\$737.00
11		5' Concrete Sidewalk	250.00	SY	\$67.60	\$16,900.00
12		ADA Ramps	13.00	EACH	\$2,670.00	\$34,710.00
13		Barricade Posts	18.00	EACH	\$123.00	\$2,214.00
14		Street Signage	1.00	LS	\$14,900.00	\$14,900.00
15		School Zone Flashing Beacon (Relocate)	1.00	EACH	\$2,970.00	\$2,970.00
16		2-6" & 3-4" SCH 40 Developer Conduits	60.00	LF	\$73.90	\$4,434.00

Total Price for above Street Improvements Items: \$476,687.60

Drain "A" Improvements

01		Drain Excavation	140.00	CY	\$6.10	\$854.00
02		Drain Embankment	10.00	CY	\$4.80	\$48.00
03		6" Concrete Riprap	208.00	SY	\$172.00	\$35,776.00
04		Baffle Blocks	2.00	CY	\$1,400.00	\$2,800.00
05		Rock Gabions	10.00	SY	\$106.00	\$1,060.00
06		Topsoil & Sodding	125.00	SY	\$18.40	\$2,300.00

Total Price for above Drain "A" Improvements Items: \$42,838.00

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	
Detention Pond Improvements						
01		Basin Excavation	1,300.00	CY	\$3.75	\$4,875.00
02		Basin Embankment	380.00	CY	\$3.45	\$1,311.00
03		4" Topsoil (Pond)	2,450.00	SY	\$7.55	\$18,497.50
04		Topsoil & Sodding	2,450.00	SY	\$18.40	\$45,080.00
05		Sidewalk Box (Intake)	6.90	CY	\$1,400.00	\$9,660.00
06		Concrete Riprap (Intake Structure)	42.00	SY	\$156.00	\$6,552.00
07		Concrete Riprap (Pilot Channel)	134.00	SY	\$193.00	\$25,862.00
08		Concrete Riprap (Outfall Structure)	80.00	SY	\$210.00	\$16,800.00
09		Concrete Riprap (Outfall Drain Channel)	65.00	SY	\$155.00	\$10,075.00
10		Sidewalk Box (Outfall)	4.80	CY	\$1,630.00	\$7,824.00
11		Baffle Blocks	2.00	CY	\$1,420.00	\$2,840.00
12		Pipe Handrail	28.50	LF	\$80.40	\$2,291.40
13		18" Rock Gabion Mattress	30.00	SY	\$106.00	\$3,180.00
Total Price for above Detention Pond Improvements Items:						\$154,847.90

Lot Improvements

01		Lot Excavation	4,750.00	CY	\$2.95	\$14,012.50
02		Lot Embankment	2,700.00	CY	\$2.15	\$5,805.00
03		Export Excess Material	7,650.00	CY	\$8.85	\$67,702.50
Total Price for above Lot Improvements Items:						\$87,520.00

Sanitary Sewer Improvements

01		Tie To Existing Manhole	1.00	EACH	\$3,480.00	\$3,480.00
02a		San. Sewer 08" SDR 26 (0'-06')	50.00	LF	\$33.10	\$1,655.00
02b		San. Sewer 08" SDR 26 (06'-08')	239.00	LF	\$35.50	\$8,484.50
02c		San. Sewer 08" SDR 26 (08'-10')	1,379.00	LF	\$38.10	\$52,539.90
02d		San. Sewer 08" SDR 26 (10'-12')	600.00	LF	\$41.10	\$24,660.00
02e		San. Sewer 08" SDR 26 (12'-14')	100.00	LF	\$44.50	\$4,450.00
02f		8" SDR 26 160 (White) (6'-8')	20.00	LF	\$46.20	\$924.00
02g		8" SDR 26 PR 160 (White) (8'-10')	40.00	LF	\$47.70	\$1,908.00
02h		8" SDR 26 PR 160 (White) (10'-12')	20.00	LF	\$47.70	\$954.00
03		W/T San. Sewer Manholes	12.00	EACH	\$5,700.00	\$68,400.00
04		Extra Depth Manhole	46.20	VF	\$596.00	\$27,535.20
05		Manhole Ring Encasement	12.00	EACH	\$1,650.00	\$19,800.00
06		6" Sanitary Sewer Laterals	2,552.00	LF	\$34.00	\$86,768.00
08		Sewer Main (8" Bore Underneath Huebner Rd.)	60.00	LF	\$679.00	\$40,740.00
09		24" Steel Casing	60.00	LF	\$194.00	\$11,640.00
10		Sewer Main T.V. Inspection	2,448.00	LF	\$2.70	\$6,609.60
11		Trench Protection	2,448.00	LF	\$1.10	\$2,692.80
Total Price for above Sanitary Sewer Improvements Items:						\$363,241.00

Water Improvements

01		12" Water Tie-In	1.00	EACH	\$6,370.00	\$6,370.00
02		8" PVC C-900 DR 18	2,135.00	LF	\$43.90	\$93,726.50
03		3/4" Short Single Service	2.00	EACH	\$747.00	\$1,494.00
04		3/4" Long Single Service	2.00	EACH	\$1,060.00	\$2,120.00
05		1" Short Dual Service	23.00	EACH	\$968.00	\$22,264.00
06		1" Long Dual Service	18.00	EACH	\$1,370.00	\$24,660.00
07		3/4" Irrigation Service	2.00	EACH	\$888.00	\$1,776.00
08		2" Temporary Blowoff	1.00	EACH	\$1,090.00	\$1,090.00
09		2" Permanent Blowoff	1.00	EACH	\$2,440.00	\$2,440.00
10		D.I. Fittings (restrained)	1.60	TON	\$2,580.00	\$4,128.00

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	{Section}.73.
12		8" Gate Valve	4.00	EACH	\$2,250.00	\$9,000.00
13		12" Gate Valve	1.00	EACH	\$3,720.00	\$3,720.00
14		Fire Hydrant	2.00	EACH	\$5,330.00	\$10,660.00
15		Hydrostatic Pressure Test	1.00	EACH	\$3,230.00	\$3,230.00
16		Machine Chlorination	2,135.00	LF	\$0.95	\$2,028.25
17		Trench Protection	2,135.00	LF	\$0.30	\$640.50
18		Meter Box	88.00	EACH	\$171.00	\$15,048.00
Total Price for above Water Improvements Items:						\$204,395.25

Total Bid Price: \$1,460,708.05

Notes:

- This pricing is good for 30 days from the date of submittal. Signature from Owner must be received and acknowledged as being received by VKK prior to the 31st day.
- Excluded from this quote are: Payment/Performance Bond or Warranty/Maintenance, Geotechnical/Material Testing, Engineered Staking, Permits/Fees, Rock Excavation/Trenching, Structure Demolition, Site Debris Haul Off, Water Well Plugging, Groundwater Mitigation, Fence Removal/Replacement, Landscaping, Irrigation, and/or anything else not specifically listed as a bid item of the quote.
- *Special Exclusions: All Rock excavation and trenching has been removed from this bid proposal. Access to the site for Test Hole digging was not permitted during the bidding process. VK Knowlton would like to have the opportunity to dig test holes and prove the geotech report before signing contracts.

Payment Terms:

Payment due within 30 Days of receipt of invoice.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: V.K. Knowlton Construction & Utilities, Inc.</p> <p>Authorized Signature: _____</p> <p>Estimator: Casey Graham 210-651-6860 caseyg@vkk.com</p>
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Petition for Preliminary Acceptance

7213 Huebner Road

Poss Landing Subdivision

City Council Meeting
Melinda Moritz, Public Works Director
September 3, 2024

Summary

- Question - Should City Council approve Developer's Petition for Preliminary Acceptance of Public Improvements (water, sanitary sewer) at Poss Landing Subdivision
- Options
 - Approve
 - Deny
 - Other
- Declaration
 - All public improvements were installed according to code

Purpose/Background

- This is an administrative item to comply with the Chapter 10 Subdivision code.
- July 26, 2024 - Planning and Zoning Commission approved the plat of Poss Landing Subdivision
- August 27, 2024 - the City Engineer performed a final inspection of the Public Improvements and found them to be satisfactorily constructed according to pertinent codes
- Owner is now petitioning the city to accept the public improvements

Fiscal Impact

- Applicant posted a Maintenance Bond in the amount of \$56,763.63 (10% of actual costs) to guarantee compliance with the 1-year maintenance
- Correction deficiencies after 1 year to be performed by owner prior to Final Acceptance by City Council

Recommendation

- Staff and City Engineer recommend approval of the Petition for Preliminary Acceptance For Poss Landing Subdivision

MAYOR AND COUNCIL COMMUNICATION

{Section}.74.

DATE: September 3, 2024

TO: Mayor and Council

FROM: Crystal Miranda, Community Relations Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion on an Ordinance Authorizing a Budget Adjustment to the General Fund Budget for Fiscal Year 2023-2024 in the Amount of \$5,947.88 on behalf of the Earthwise Living Day Committee (1st Reading as Required by City Charter) - C. Miranda, Community Relations Director

SPONSOR(S): N/A

PURPOSE

Request approval for a budget adjustment in the amount of \$5,947.88, to purchase supplies for the 2025 Earthwise Living Day event to continue their efforts to promote a healthier and sustainable living environment.

At the November 8 Earthwise Living Day Committee meeting the committee voted to have the City organize, solicit sponsorships, recruit vendors, and host the 2024 EWL Day Event.

FISCAL IMPACT

An adjustment in the amount of \$5,947.88.

RECOMMENDATION

City Council approval.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL AUTHORIZING A BUDGET ADJUSTMENT TO THE GENERAL FUND BUDGET FOR FISCAL YEAR OF 2023-2024 IN THE AMOUNT OF \$5,947.88 TO PROVIDE PROPER FUNDING; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2024 Earthwise Living Day event resulted in a profit of \$5,947.88 in sponsorships and vendor fees; and

WHEREAS, to continue its efforts to promote a healthier and sustainable environment, the Committee would like to make some purchases with the profits that would educate and promote sustainable living; and

WHEREAS, it is a City Council goal to promote sustainability and to reduce the City's carbon footprint; and

WHEREAS, funds from the General Fund Budget are available for the purchases from revenues generated by the event and from previously budgeted funds; and

WHEREAS, the City of Leon Valley passed their FY2023-2024 Budget on September 05, 2023; and

WHEREAS, in order to fund the purchases, a budget adjustment in the amount of \$5,947.88 from the General Fund is necessary; and

WHEREAS, Texas Local Government Code Section 102.010 provides that a municipality is not prohibited from making changes to a budget for municipal purposes: and

WHEREAS, the Leon Valley City Council hereby finds and determines that the amendments adopted under this ordinance are for a municipal purpose;

WHEREAS, the Leon Valley City Council now desires to amend the General Fund Budget in the amount of \$5,947.88 to provide proper funding for such purchases;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. The FY 2023-2024 General Fund of the City of Leon Valley is hereby amended to increase the budget by the amount of \$5,947.88 to fund the purchases of supplies for future Earthwise Living Day events. The funds for the increase will come from the Earthwise Living Day revenues.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance. The Director of Finance may, subject to concurrence by the City

Manager or the City Manager’s designee, correct allocations as necessary to carry out the purpose of this Ordinance.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the ___ day of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

ARTURO D. ‘ART’ RODRIGUEZ
City Attorney

Presentation and Discussion on an Ordinance Authorizing a Budget Adjustment on behalf of the Earthwise Living Day Committee

Crystal Miranda
Community Relations Director
City Council Meeting
September 3, 2024

Summary

- **City Council is being asked to consider a budget adjustment in the amount of \$5,947.88 from the General Fund, to fund the purchase of Earthwise Living Day promotional items.**
- Options
 - Approve
 - Deny
 - Other

Purpose

- To consider approval of an Ordinance authorizing a budget adjustment in the amount of \$5,947.88 , from the General Fund, to fund the purchase of supplies/merchandise for Earthwise Living Day 2025.

Purpose / Background

- At the November 8 Earthwise Living Day Committee meeting the committee designated the City to organize the event, solicit sponsorships, recruit vendors, and host the 2024 Earthwise Living Day event.
- The expenses on behalf of the committee were \$2,062.12 which was used to purchase supplies for the event.
- The Committee is requesting a budget adjustment to purchase supplies for next year's event.

Fiscal Impact

- The City budgets \$2,700 in each fiscal year to fund the event
- The Committee normally solicits sponsorships and rents booths to contribute to the budget for promotional items and some of the event expenses

• City Budget	\$ 2,700.00
• Expenses	<u>\$ 2,062.12</u>
• Balance	\$ 637.88
• Sponsors	\$ 5,080.00
• Vendors	\$ 230.00
• Fund Balance	<u>\$ 637.88</u>
• Total	\$ 5,947.88

- Total of \$5,47.88 will be used to promote and purchase items to give out during the 2025 Earthwise Living Day event, if approved.

Fiscal Impact

EWL				
Item	Business Providing	Cost	Paid Date	Notes
Trees	CPS	\$ 1,500.00		tree fund
Public Works Staff		\$ 5,371.29		City
Police/Security		\$ 1,350.00		City
Fire/EMS		\$ 533.96		City
Ewaste	SA3	\$ -		Free
Staff OT		\$ 1,993.76		City
promotional items	City swag	\$ 575.00		City
Facility	City	\$4,332*		City
Expenses		\$ 2,062.12		EWL Budget
Vendor hospitality	Ritas			\$ 388.50
Gift Cards and Oranges	H-E-B			\$ 268.78
Supplies	SAMS			\$ 45.78
Dry Cleaning Services	Laundro Lab			\$ 80.07
Shuttle	Elegant			\$ 728.99
banners	Allied Installs			\$ 550.00
Total Cost		\$17,718.13		\$ 2,062.12

Questions?

MAYOR AND CITY COUNCIL COMMUNICATION

DATE: September 3, 2024

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Authorizing a Budget Adjustment in the Amount of \$696,758.00 from the Enterprise Fund Balance and \$320,000 from the General Fund Balance to Purchase 100 Acre Feet of Water Rights

SPONSOR(S): N/A

PURPOSE

This M & C is to approve additional funding for the purchase of 100-acre feet of water rights. To prepare for future development and current critical period drought management, the city should acquire approximately 300 additional acre feet of water rights.

Currently, the city owns 1758.38-acre feet of water rights, and this will increase our amount to 1858.38-acre feet. The City budgeted \$280,000 for the purchase of 40-acre feet of water rights in this fiscal year, but we have an opportunity to purchase 100-acre feet. The seller is not willing to sell off a portion of these rights.

New subdivisions are being developed with a total of 583 new homes expected within the next 2-5 years and this purchase will help to ensure we are able to serve all Leon Valley water customers during times of critical period drought management. Developers pay impact fees into the Enterprise Fund account and the funds may only be used to pay for water rights and new infrastructure due to the new developments. Over \$60,000 has been collected so far this year.

FISCAL IMPACT

Cost per acre foot	\$ 12,000
Total acre feet	<u>x 100</u>
Cost for 100-Acre Feet	\$1,200,000
Closing costs	<u>\$72,000 +/-</u>
<i>Total Amount Needed</i>	<i>\$1,272,000 +/-</i>
Enterprise Fund (Impact Fees)	\$ 696,758

General Fund Reserve	\$ 320,000
Amt Funded in FY 24	\$ 280,000
<i>Total</i>	<u>\$1,296,758</u>

Total Budget Adjustment Needed: \$1,016,758

Impact Fee Balance \$ 696,758

General Fund balance \$5,919,097 (as of 09/30/23)

RECOMMENDATION

It is recommended the City Council approve the request for a budget adjustment to purchase 100-acre feet of water rights.

APPROVED : _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
 City Secretary

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE ENTERPRISE FUND BUDGET OF THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2023-2024 IN A TOTAL AMOUNT OF \$1,296,758.00, TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF 100-ACRE FEET OF WATER RIGHTS; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city has several vacant tracts of land that are due to be developed as new homes; and

WHEREAS, in order to ensure the city has enough water to provide adequate service to these new areas of development, additional water rights must be obtained; and

WHEREAS, it is necessary to amend the FY 2023-24 Enterprise Fund budget to provide the additional funding for the purchase of water rights;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. The FY 2023-2024 Enterprise Fund Budget of the City of Leon Valley is amended to increase the budget by the amount of \$1,296,758.00 to provide additional funding for the purchase of water rights.

SECTION 2. A portion of the increase in the amount of \$696,758.00 is to be taken from the Enterprise Fund Impact Fee Balance and a portion of the increase in the amount of \$320,000 is to be taken from the General Fund Reserve.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Finance Director. The Finance Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations as necessary to carry out the purpose of this Ordinance.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

SECTION 4. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 17th day of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

ARTURO D. "ART" RODRIGUEZ
City Attorney

Budget Adjustment Water Rights

Melinda Moritz
Public Works Director
City Council Meeting
September 3, 2024

Summary

- Question
 - City Council is being asked to approve an Ordinance authorizing budget adjustments to purchase 100-acre feet of water rights
- Options
 - Approve
 - Deny
 - Other
- Declaration
 - This purchase will increase the amount of water rights owned to better provide for future development

Purpose

- To consider approving an Ordinance authorizing a budget adjustment to purchase 100-acre feet of water rights

Background

- To prepare for future development, city needs approximately 300 additional acre feet of water rights
- City currently owns 1758.38-acre feet of water rights
- City budgeted \$280,000 for the purchase of 40-acre feet of water rights this fiscal year, but we have an opportunity to purchase 100-acre feet
 - Seller is not willing to sell off a 40-acre portion of these rights

Background

- New subdivisions are being developed with a total of 583 new homes expected within the next 2-5 years
 - More vacant areas will be developed in the next ten years
- This purchase will ensure city is able to provide adequate water supplies to all LV customers during times of critical period drought management
- Developers pay impact fees & funds may only be used to pay for water rights & larger facilities due to development
 - \$60,000 collected so far this year

Fiscal Impact

• Cost per acre foot	\$ 12,000
• Total acre feet	x 100
• Closing costs	<u>+ \$72,000 +/-</u>
• Total Amount Needed	\$1,272,000 +/-
• Enterprise Fund (Impact Fees)	\$ 696,758
• General Fund Reserve	\$ 320,000
• Amt Funded in FY 24	<u>\$ 280,000</u>
• Total	\$1,296,758
– <i>Budget Adjustment Needed</i>	<i>\$1,016,758</i>
– Impact Fee Balance	\$ 696,758
– General Fund balance (09/30/23)	\$5,919,097

Recommendation

- Staff recommends the City Council approve the request for a budget adjustment to purchase 100-acre feet of water rights

MAYOR AND COUNCIL COMMUNICATION

DATE: September 3, 2024

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 15 Zoning, Article 15.02 Zoning Ordinance, Division 7 Permitted Use Table, Section 15.02.381 - Permitted use table, to Regulate the Location of CBD Retail Establishments

SPONSOR(S): N/A

PURPOSE

The purpose of this item is to consider approval of an amendment to the Leon Valley Code of Ordinance, Chapter 15 Zoning, Article 15.02 Zoning Ordinance, Division 7 Permitted Use Table, Section 15.02.381 - Permitted use table, to regulate the location of CBD retail establishments.

The proliferation of the retail establishments that sell CBD oils, Delta 8, vape pens, medical marijuana, cannabis, THCa flower, etc. is becoming concerning. The City of Leon Valley wishes to provide a very diverse business community to assure consistent and thriving economic development.

Thriving and diverse communities drive economic growth through increased business opportunities and increased consumer spending power. A diverse business community may also contribute significantly to a community’s quality of life.

The Permitted Use Table would be amended to add the following language:

“Zoning District	O-1	B-1	B-2	B-3	I-1
CBD, Hemp, Medical Marijuana, Cannabis, THCa Flower and/or Vape Businesses	X	P	P	P	P

Notes: ***Shall not be located within a radius of 5,000 feet from the nearest existing CBD, Medical Marijuana, Cannabis, THCa Flower, Edibles, Delta 8, Delta 9 THC, Hemp, and/or Vape business.

***Shall not be located within 5,000 feet from the following land uses: religious institutions, school or day care facility, bar or liquor store, and pawnshops.

***Storefronts shall have glass or transparent glazing in the window and doors and as prescribed by article 3.04 shall have no more than ten percent of any window or door area covered by signs, banners or opaque coverings of any kind. Animated, moving, flashing, blinking, reflecting, revolving or similar type on-premises signs are prohibited.”

FISCAL IMPACT

None.

RECOMMENDATION

At their August 27, 2024 meeting, the Planning and Zoning Commission recommended approval of the amendment.

APPROVED : _____

DISAPPROVED : _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, ARTICLE 15.02 ZONING ORDINANCE, DIVISION 7 PERMITTED USE TABLE TO ADD CBD, VAPE, MEDICAL MARIJUANA, CANNABIS, THCa FLOWER, AND/OR VAPE BUSINESS; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW, PROVIDING A SAVINGS CLAUSE; AND PROVIDING A CONFLICTS PROVISION.

WHEREAS, the City of Leon Valley wishes to provide a diverse business community to assure consistent economic development and a thriving community; and

WHEREAS, diverse communities drive economic growth through increased business opportunities and increased consumer spending power; and

WHEREAS, diverse companies can contribute significantly to their community’s quality of life;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. That the Leon Valley Code of Ordinances, Chapter 15 Zoning, Article 15.02 Zoning Ordinance, Division 7 Permitted Use Table be amended to add the use “CBD, Hemp, and/or Vape Business as follows:

Division 7 Permitted Use Table

“Zoning District	O-1	B-1	B-2	B-3	I-1
CBD, Hemp, Medical Marijuana, Cannabis, THCa Flower and/or Vape Businesses	X	P	P	P	P

Notes: ***Shall not be located within a radius of 5,000 feet from the nearest existing CBD, Medical Marijuana, Cannabis, THCa Flower, Edibles, Delta 8, Delta 9 THC, Hemp, and/or Vape business.

***Shall not be located within 5,000 feet from the following land uses: religious institutions, school or day care facility, bar or liquor store, and pawnshops.

***Storefronts shall have glass or transparent glazing in the window and doors and as prescribed by article 3.04 shall have no more than ten percent of any window or door area covered by signs, banners or opaque coverings of any kind. Animated, moving, flashing, blinking, reflecting, revolving or similar type on-premises signs are prohibited.”

SECTION 1. This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections set forth in the Leon Valley Code of Ordinances, Chapter 15 Zoning not revised or amended herein shall remain in effect.

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APPROVED

CHRIS RILEY

MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC

City Secretary

Approved as to Form:

NICOLE WARREN

City Attorney

Consider Amending Chapter 15 Zoning Regulate Location CBD Retail Establishments

Melinda Moritz

Public Works Director

09/03/24

Summary

- Question
 - Should the City amend Chapter 15 Zoning, Article 15.02 Zoning Ordinance, Division 7 Permitted Use Table to further regulate CBD/vape retail establishments?
- Options
 - Approve
 - Deny
 - Other
- Declaration
 - This measure will promote a diverse business community to encourage economic growth and provide some protections for schools and religious institutions

Purpose

- Consider approval of an amendment to the Leon Valley Code of Ordinance, Chapter 15 Zoning, Article 15.02 Zoning Ordinance, Division 7 Permitted Use Table, Section 15.02.381 - Permitted use table, to regulate the location of CBD retail establishments

Background

- The proliferation of the retail establishments that sell CBD oils, Delta 8, vape pens, medical marijuana, cannabis, THCa flower, etc. is becoming concerning
- City wishes to provide a very diverse business community to assure consistent and thriving economic development
- Thriving and diverse communities drive economic growth through increased business opportunities and increased consumer spending power
- A diverse business community may also contribute significantly to a community's quality of life

Permitted Use Table Amendment

Zoning District	O-1	B-1	B-2	B-3	I-1
CBD, Hemp, Medical Marijuana, Cannabis, THCa Flower and/or Vape Businesses	X	P	P	P	P

Notes: ***Shall not be located within a radius of 5,000 feet from the nearest existing CBD, Medical Marijuana, Cannabis, THCa Flower, Edibles, Delta 8, Delta 9 THC, Hemp, and/or Vape business

***Shall not be located within 5,000 feet from the following land uses: religious institutions, school or day care facility, bar or liquor store, and pawnshops.

***Storefronts shall have glass or transparent glazing in the window and doors and as prescribed by article 3.04 shall have no more than ten percent of any window or door area covered by signs, banners or opaque coverings of any kind. Animated, moving, flashing, blinking, reflecting, revolving or similar type on-premises signs are prohibited.

Fiscal Impact

- These retail establishments do collect sales tax

Strategic Goals

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan.

- Revitalize declining commercial areas by creating, reviewing, and enforcing codes that impact Economic Development

Recommendation

- At their 8-27-24 meeting, the Planning and Zoning Commission recommended approval of this amendment

MAYOR AND COUNCIL COMMUNICATION

DATE: September 03, 2024
TO: Mayor and Council
FROM: Tiffany Arizola, Court Administrator
THROUGH: Dr. Crystal Caldera, City Manager
SUBJECT: Contract for Professional Judicial Services
SPONSOR(S): N/A

PURPOSE & BACKGROUND

According to the Home Rule Charter Chapter 7, Sec. 7.01.003 subsection c - Compensation. The city municipal court holds a regular court docket on the first four Thursdays of each month except for holidays. Compensation shall be established by contract and amended by the city council from time to time. The City of Leon Valley has never had a contract with the municipal court Judges. This came to light when we discovered that the reappointment of judges had not happened.

The Judges' suggested compensations are included within the contracts. The Judges' request for an increase in compensation this request is not budgeted for FY 2025.

FISCAL IMPACT

Judicial services are budgeted for \$37,510.00 for the fiscal year of 2025. The difference of the Judges' unbudgeted suggested compensation is \$9,600.00.

RECOMMENDATION

Adopt the Contract for Professional Judicial Services to adhere to the City Charter as required.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

City of Leon Valley, Texas Contract for Professional Judicial Services (Judge)

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This Contract for Professional Judicial Services (“Agreement”) is made and entered into this 3RD day of September 2024, by and between the City of Leon Valley, a Texas home-rule municipal corporation located in BEXAR County, Texas (“City”) and Lawrence G. Morales (“Judge”). The City and the Judge, hereafter collectively referred to as the “Parties,” hereby make and enter into the following agreement:

ARTICLE I Contingency

This entire Agreement is expressly contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If at any time during the period of performance under this Agreement, the City does not make sufficient appropriations and authorizations, this Agreement shall terminate upon written notice being given by the City to the Judge. The City’s decision as to whether sufficient appropriations are available shall be accepted by the Judge and shall be final.

ARTICLE II Appointment and Term

2.01 Appointment. On the 3rd day of September, 2024, the City Council of the City of Leon Valley, Texas (“City Council”), pursuant to Article VII, Section 7.01.003 of the City of Leon Valley Home Rule Charter, appointed Lawrence G. Morales as the Municipal Court Judge, with the duties of presiding over the Leon Valley Municipal Court of Nonrecord, as further described in Article III herein. This Agreement details the terms and condition of such appointment.

2.02 Term. This Agreement shall apply to the current term of office, term of two years, coterminous with the mayor, and said Judge shall serve until his successor has been appointed and qualified, unless sooner removed by the City Council.

2.03 Termination. This Agreement in accordance with law may be terminated before the expiration of the term as specified in Section 2.02, after written notice has been provided by the City to the Judge and a hearing on the issue has been conducted by the City Council, for failure to perform the scope of services outlined in Article III or to otherwise comply with any provision of this Agreement.

ARTICLE III
Scope of Services

3.01 In General. The Judge agrees to preside over the municipal court dockets, which shall include initial appearance dockets, non-jury dockets, jury dockets, and pre-warrant dockets, show cause dockets, capias pro fine dockets, pre-trial dockets, jury trials, non-jury trials, red light camera appeals, as well as such other special dockets as may be scheduled from time to time by the City. As an appointed official, the Judge agrees to perform the service required by the position of the Municipal Judge and is not limited to a preset number of hours per week to perform such services.

3.02 Docket Schedule. The Judge shall establish the times and days for the court dockets and retains full authority to change the same from time to time. The Judge shall perform the services required herein at the dockets so established and to which the Judge may be scheduled. If the Judge is unavailable to complete these services, it shall be the duty of the Judge to seek an alternative method of fulfilling these duties first through any other City-appointed Judge or any other Judge with jurisdiction to perform these duties on behalf of the City.

3.03 Magistrate/Arrestment/Warrant Duties. The Judge shall perform magistrate, arraignment and warrant duties related to individuals held in any City holding facility and as otherwise required. Such duties shall be performed on an as-needed basis but in all cases these duties shall be completed as described below. The City shall contact the Judge scheduled for magistrate/arrestment/warrant duties between 8:00 am and 6:00 pm and advise the scheduled Judge of the need for such services. Should the services outlined in this section be required the Judge shall complete such services in a timely manner, within the constraints required by the law. If the Judge is unavailable to complete these services it shall be the duty of the Judge to seek an alternative method of fulfilling these duties first through any other City appointed Judge, then any other Judge with jurisdiction to perform these duties on behalf of the City.

3.04 Administration. The Judge shall act as Judge, administering the court's operation, including coordination of his/her schedule with the schedules of the other appointed Judges, at any days of court for which he/she is not personally presiding, or where he cannot serve as Judge for any case(s) for other reasons, such as a conflict of interest. The Judge shall consult with the Court Administrator concerning the court operation and arrange for special court settings as necessitated by circumstances. Such special court settings shall only be for dire and unforeseen circumstances and only when a set docket date cannot otherwise be utilized and/or such duties cannot be performed by Judges who from time to time may be appointed by the City Council.

3.05 Efficiency of Court. The Judge shall consult and cooperate with other city appointed Judges, the City Manager or his designee, the City's prosecutor, and municipal court clerks as to operational methods and procedures, and on efforts to improve the operations of the Municipal Court, all with the goal of promoting speedy and efficient justice within the Leon Valley Municipal Court system.

3.06 No Supervisory Capacity. The Judge acknowledges that the clerks of the Municipal Court are supervised by the City Manager as City administrative employees, and that the City Prosecutor is supervised by the City Attorney. The Judge does not serve in a supervisory role as to any of these or other employees of the City except with regard to judicial procedures of the court. However, he/she shall consult with the appropriate City department head or the City Manager concerning needed improvements or problems that come to his/her attention through his service as Judge of the Leon Valley Municipal Court of Nonrecord.

3.07 Reports. The Judge, at such times and in such forms as the City Council or the City Manager may require, shall furnish such periodic reports as may be requested pertaining to the work or services undertaken pursuant to this Agreement.

ARTICLE IV Compensation

4.01 Compensation. The City will be obligated to compensate the Judge for only those services actually performed. The following details the compensation that will be made by the City to the Judge for services to be rendered:

- a. **Docket:** Judge will be paid \$800.00 for a docket. A docket shall be defined as any court day where the court is scheduled for up to 3 hours in a given day. Docket fees include the signing of required paperwork and any other associated administrative duties.
- b. **Special Settings, Call-Outs, Meetings with City staff and/or Municipal Court Staff and Other Services:** Judge will be paid \$150.00 per hour for any services he/she is required to perform as Municipal Judge that do not fall within (a), above. Such payment shall be a minimum of one hour for the first hour or less, with all additional time being paid on a quarter-hour basis.
- c. **Non-Jury and Jury Dockets:** The Judge will be paid \$150.00 per hour for presiding over Non-Jury and Jury Dockets and Trials. Such payment shall be a minimum of two hours, with all additional time being paid on a quarter-hour basis.

4.02 Payment Terms. It is agreed that for the term of this Agreement, the Judge shall be compensated at the rates specified in Section 4.01, above, payable on a monthly basis, upon receipt by the City of a written invoice for work performed. All payments shall be made no later than the first day of the month following the month an invoice is submitted to the City.

4.03 Independent Contractor. It is agreed between the Parties that since the Judge's position is an independent, appointed, part-time professional position, he/she is an independent contractor, not an employee of the City, and the foregoing constitutes all the benefits and other forms of compensation paid to the Judge for the services required herein.

ARTICLE V Miscellaneous

5.01 Training. The Judge must complete the minimum number of hours of instruction annually in the performance of the duties of a Municipal Court Judge as required by the laws of the State of Texas and any applicable rule or statute. The Judge shall ensure that official copies of records documenting such

training shall be kept on file with the City at all times. The Judge shall provide proof of current certification from the State Bar each October.

Page 3 of 6

5.02 Limitation on Law Practice. The Judge agrees that he/she shall not engage in the practice of law in an adversarial capacity before the City Council of the City of Leon Valley, before any of its courts, agencies, boards or commissions, or in any other court or administrative proceeding involving the City during his/her tenure in office.

5.03 Conflicts. The Judge shall refrain from any activity or employment that might place him/her in a position of conflict of interest with his/her duties for the City.

5.04 Amendments. This Agreement may not be altered, changed or amended except by instrument in writing executed by the Parties. The City may, from time to time, request changes in the scope of work and time of performance for the services of the Judge to be performed hereunder; however, to be effective, such changes, including any increase or decrease in the amount of the Judge's compensation, which are mutually agreed upon by and between the City and the Judge, shall be incorporated in written amendments to this Agreement and signed by both Parties.

5.05 Entire Agreement. This Agreement constitutes the entire agreement between the City and the Judge. No agreements, amendments, modifications, implied or otherwise, shall be binding on any of the Parties unless set forth in writing and signed by both Parties.

5.06 Severability. If one or more of the provisions of this Agreement or the application of any provision to any party or circumstance, is held invalid, unenforceable or illegal in any respect, the remainder of this Agreement and the application of the provision to other parties or circumstances shall remain valid and in full force and effect.

5.07 Notice. Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing and shall be mailed by certified or registered mail addressed as set forth below or at such other address as may be specified by written notice:

JUDGE:
Lawrence G. Morales
6243 IH 10 West Suite 132
San Antonio, TX 78201

CITY:
City of Leon Valley
Attn: City Manager
6400 El Verde Road
Leon Valley, Texas 78238

5.08 Non-Waiver. The failure on the part of any party herein at any time to require the performance by the other party of any portion of this Agreement shall not be deemed a waiver of or in any way affect that party's rights to enforce such provision or another provision in the future. Any waiver by any party of any provision herein shall not be taken or held to be a waiver of any other provision hereof or any other breach hereof.

5.09 Sovereign Immunity. By this Agreement, the City does not consent to litigation and expressly revokes any consent to litigation that it may have granted by the terms of this Agreement, any charter, or applicable state law. Furthermore, nothing contained herein shall be construed so as to limit or waive the City's sovereign immunity.

5.10 No Assignment. The Judge shall not assign any interest in this Agreement and shall not transfer any interest in the same without the prior written consent of the City.

5.11 Construction of Agreement. Each provision and clause required by law to be inserted into this Agreement shall be deemed to be included herein and this Agreement shall be read and enforced as though each were included herein. If through mistake or otherwise any such provision is not inserted or is not correctly inserted, the Agreement shall be amended to make such insertion on application by either party.

5.12 Choice of Law and Venue. This Agreement is performed and performable in BEXAR County, Texas, and is subject to all applicable federal and state laws, statutes, codes, and any applicable permits, ordinances, rules, orders and regulations of any local, state or federal government authority having or asserting jurisdiction.

5.13 Agreement Read. The Parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.

5.14 Headings. The section headings are used in this Agreement for convenience and reference purposes only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement and shall have no meaning or effect upon its interpretation.

5.15 Gender and Number. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless context requires otherwise.

5.16 No Third-Party Beneficiaries. This Agreement shall not bestow any rights upon any third party, but rather, shall bind and benefit the Judge and the City only.

5.17 Ambiguity. In the event of any ambiguity in any of the terms of this Agreement, it shall not be construed for or against any party hereto on the basis that such party either did or did not author the same.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same agreement, this _____ day of _____, 2024.

CITY OF LEON VALLEY

Chris Riley, Mayor

ATTEST:

Saundra Passailaigue, City Secretary

JUDGE

Signature

Printed Name

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

Before me, _____, the undersigned notary public, on this day personally appeared Lawrence G. Morales, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed that instrument for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public in and for the State of Texas
My Commission Expires: _____

City of Leon Valley, Texas
Contract for Professional Judicial Services
(Judge)

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This Contract for Professional Judicial Services (“Agreement”) is made and entered into this 3RD day of September 2024, by and between the City of Leon Valley, a Texas home-rule municipal corporation located in BEXAR County, Texas (“City”) a (“Judge”). The City and the Judge, hereafter collectively referred to as the “Parties,” hereby make and enter into the following agreement:

ARTICLE I
Contingency

This entire Agreement is expressly contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If at any time during the period of performance under this Agreement, the City does not make sufficient appropriations and authorizations, this Agreement shall terminate upon written notice being given by the City to the Judge. The City’s decision as to whether sufficient appropriations are available shall be accepted by the Judge and shall be final.

ARTICLE II
Appointment and Term

2.01 Appointment. On the 3rd day of September, 2024, the City Council of the City of Leon Valley, Texas (“City Council”), pursuant to Article VII, Section 7.01.003 of the City of Leon Valley Home Rule Charter, appointed Leslie C. Kassahn as the Municipal Court Judge, with the duties of presiding over the Leon Valley Municipal Court of Nonrecord, as further described in Article III herein. This Agreement details the terms and condition of such appointment.

2.02 Term. This Agreement shall apply to the current term of office, term of two years, coterminous with the mayor, and said Judge shall serve until her successor has been appointed and qualified, unless sooner removed by the City Council.

2.03 Termination. This Agreement in accordance with law may be terminated before the expiration of the term as specified in Section 2.02, after written notice has been provided by the City to the Judge and a hearing on the issue has been conducted by the City Council, for failure to perform the scope of services outlined in Article III or to otherwise comply with any provision of this Agreement.

ARTICLE III
Scope of Services

3.01 In General. The Judge agrees to preside over the municipal court dockets, which shall include initial appearance dockets, non-jury dockets, jury dockets, and pre-warrant dockets, show cause dockets, capias pro fine dockets, pre-trial dockets, jury trials, non-jury trials, red light camera appeals, as well as such other special dockets as may be scheduled from time to time by the City. As an appointed official, the Judge agrees to perform the service required by the position of the Municipal Judge and is not limited to a preset number of hours per week to perform such services.

3.02 Docket Schedule. The Judge shall establish the times and days for the court dockets and retains full authority to change the same from time to time. The Judge shall perform the services required herein at the dockets so established and to which the Judge may be scheduled. If the Judge is unavailable to complete these services, it shall be the duty of the Judge to seek an alternative method of fulfilling these duties first through any other City-appointed Judge or any other Judge with jurisdiction to perform these duties on behalf of the City.

3.03 Magistrate/Arrestment/Warrant Duties. The Judge shall perform magistrate, arraignment and warrant duties related to individuals held in any City holding facility and as otherwise required. Such duties shall be performed on an as-needed basis but in all cases these duties shall be completed as described below. The City shall contact the Judge scheduled for magistrate/arrestment/warrant duties between 8:00 am and 6:00 pm and advise the scheduled Judge of the need for such services. Should the services outlined in this section be required the Judge shall complete such services in a timely manner, within the constraints required by the law. If the Judge is unavailable to complete these services it shall be the duty of the Judge to seek an alternative method of fulfilling these duties first through any other City-appointed Judge, then any other Judge with jurisdiction to perform these duties on behalf of the City.

3.04 Administration. The Judge shall act as Judge, administering the court's operation, including coordination of his/her schedule with the schedules of the other appointed Judges, at any days of court for which he/she is not personally presiding, or where he cannot serve as Judge for any case(s) for other reasons, such as a conflict of interest. The Judge shall consult with the Court Administrator concerning the court operation and arrange for special court settings as necessitated by circumstances. Such special court settings shall only be for dire and unforeseen circumstances and only when a set docket date cannot otherwise be utilized and/or such duties cannot be performed by Judges who from time to time may be appointed by the City Council.

3.05 Efficiency of Court. The Judge shall consult and cooperate with other city appointed Judges, the City Manager or his designee, the City's prosecutor, and municipal court clerks as to operational methods and procedures, and on efforts to improve the operations of the Municipal Court, all with the goal of promoting speedy and efficient justice within the Leon Valley Municipal Court system.

3.06 No Supervisory Capacity. The Judge acknowledges that the clerks of the Municipal Court are supervised by the City Manager as City administrative employees, and that the City Prosecutor is supervised by the City Attorney. The Judge does not serve in a supervisory role as to any of these or other employees of the City except with regard to judicial procedures of the court. However, he/she shall consult with the appropriate City department head or the City Manager concerning needed improvements or problems that come to his/her attention through his service as Judge of the Leon Valley Municipal Court of Nonrecord.

3.07 Reports. The Judge, at such times and in such forms as the City Council or the City Manager may require, shall furnish such periodic reports as may be requested pertaining to the work or services undertaken pursuant to this Agreement.

ARTICLE IV Compensation

4.01 Compensation. The City will be obligated to compensate the Judge for only those services actually performed. The following details the compensation that will be made by the City to the Judge for services to be rendered:

- a. **Docket:** Judge will be paid \$800.00 for a docket. A docket shall be defined as any court day where the court is scheduled for up to 3 hours in a given day. Docket fees include the signing of required paperwork and any other associated administrative duties.
- b. **Special Settings, Call-Outs, Meetings with City staff and/or Municipal Court Staff and Other Services:** Judge will be paid \$150.00 per hour for any services he/she is required to perform as Municipal Judge that do not fall within (a), above. Such payment shall be a minimum of one hour for the first hour or less, with all additional time being paid on a quarter-hour basis.
- c. **Non-Jury and Jury Dockets:** The Judge will be paid \$150.00 per hour for presiding over Non-Jury and Jury Dockets and Trials. Such payment shall be a minimum of two hours, with all additional time being paid on a quarter-hour basis.

4.02 Payment Terms. It is agreed that for the term of this Agreement, the Judge shall be compensated at the rates specified in Section 4.01, above, payable on a monthly basis, upon receipt by the City of a written invoice for work performed. All payments shall be made no later than the first day of the month following the month an invoice is submitted to the City.

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ARTICLE V Miscellaneous

5.01 Training. The Judge must complete the minimum number of hours of instruction annually in the performance of the duties of a Municipal Court Judge as required by the laws of the State of Texas and

any applicable rule or statute. The Judge shall ensure that official copies of records documenting such training shall be kept on file with the City at all times. The Judge shall provide proof of current certification from the State Bar each October.

5.02 Limitation on Law Practice. The Judge agrees that he/she shall not engage in the practice of law in an adversarial capacity before the City Council of the City of Leon Valley, before any of its courts, agencies, boards or commissions, or in any other court or administrative proceeding involving the City during his/her tenure in office.

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5.04 Amendments. This Agreement may not be altered, changed or amended except by instrument in writing executed by the Parties. The City may, from time to time, request changes in the scope of work and time of performance for the services of the Judge to be performed hereunder; however, to be effective, such changes, including any increase or decrease in the amount of the Judge's compensation, which are mutually agreed upon by and between the City and the Judge, shall be incorporated in written amendments to this Agreement and signed by both Parties.

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5.06 Severability. If one or more of the provisions of this Agreement or the application of any provision to any party or circumstance, is held invalid, unenforceable or illegal in any respect, the remainder of this Agreement and the application of the provision to other parties or circumstances shall remain valid and in full force and effect.

5.07 Notice. Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing and shall be mailed by certified or registered mail addressed as set forth below or at such other address as may be specified by written notice:

JUDGE:
Leslie C. Kassahn
7310 Rustling Brook
San Antonio, TX 78249

CITY:
City of Leon Valley
Attn: City Manager
6400 El Verde Road
Leon Valley, Texas 78238

5.08 Non-Waiver. The failure on the part of any party herein at any time to require the performance by the other party of any portion of this Agreement shall not be deemed a waiver of or in any way affect that party's rights to enforce such provision or another provision in the future. Any waiver by any party of any provision herein shall not be taken or held to be a waiver of any other provision hereof or any other breach hereof.

5.09 Sovereign Immunity. By this Agreement, the City does not consent to litigation and expressly revokes any consent to litigation that it may have granted by the terms of this Agreement, any charter, or applicable state law. Furthermore, nothing contained herein shall be construed so as to limit or waive the City's sovereign immunity.

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5.17 Ambiguity. In the event of any ambiguity in any of the terms of this Agreement, it shall not be construed for or against any party hereto on the basis that such party either did or did not author the same.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same agreement, this ____ day of _____, 2024.

CITY OF LEON VALLEY

Chris Riley, Mayor

ATTEST:

Saundra Passailaigue, City Secretary

JUDGE

Signature

Printed Name

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

Before me, _____, the undersigned notary public, on this day personally appeared Leslie C. Kassahn, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed that instrument for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 2024.

Notary Public in and for the State of Texas
My Commission Expires: _____

RESOLUTION No. -----

A RESOLUTION OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL ADOPTING THE CONTRACT FOR PROFESSIONAL JUDICIAL SERVICES.

WHEREAS, the provisions of the Charter of the City of Leon Valley require the city municipal court to hold a regular court docket on the first four Thursdays of each month except for holidays;

WHEREAS, Judges' compensation shall be as established by contract as amended by the city council from time to time;

WHEREAS, the Contract for Professional Judicial Services will include language for duties, responsibilities and requirements of the Municipal Court Judges;

WHEREAS, Per Chapter 7 of the City’s Code of Ordinance compensation shall be as established by contract as amended by the city council from time to time;

WHEREAS, said contract (s) is attached as Exhibit A

WHEREAS, the Municipal Court Judges will be governed by the Code of Judicial Conduct and General Ethical Standards and will maintain high standards of judicial and personal integrity and independence of the judiciary is preserved.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF LEON VALLEY: Adopts the Contract for Professional Judicial Services for the Leon Valley Municipal Court to Judge Lawrence G. Morales and Judge Leslie C. Kassahn.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 3rd day of September, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney

City Attorney

Adopting the Contract for Professional Judicial Services.

Tiffany Arizola
Court Administrator
City Council Meeting
September 03, 2024

Summary

- Question
 - **Adopt the Contract for Professional Judicial Services of Presiding Judge Lawrence G. Morales and Judge Leslie C. Kassahn.**
- Options
 - Recommended:
 1. Adopt resolution as presented.
 - Denial
 - Other
- Declaration
 - The City adopt the contract to adhere to the City Charter as required.

Background

- According to the Home Rule Charter Chapter 7, Sec. 7.01.003 subsection c - Compensation. The city municipal court holds a regular court docket on the first four Thursdays of each month except for holidays. Compensation shall be as established by **contract** as amended by the city council from time to time.
- The City of Leon Valley has never had a contract with the municipal court Judges.
- This came to light as we discovered the reappointment of Judges did not happen.

Purpose

- To implement the provisions of City Ordinance Section 7.01.003 (C).
- The Judges' suggested compensations are red-lined within the contracts.
 - The Judges' request for an increase in compensation is **not** budgeted for FY 2025.

Fiscal Impact

Service	Current	Proposed
Docket	\$600	\$800
Special Meetings	\$150 per hour	\$150 per hour
Non Jury and Jury Docket	\$0	\$150 per hour min two hours

- \$37,510.00 budgeted for judicial services in the FY2025.
- The difference of the Judges' unbudgeted requested compensation is an increase of est. \$9,600.00.

Recommendation

- City Council's Discretion.

OUTSTANDING CITY COUNCIL ITEMS

- **Review of the Water Rates**
 - 6/20/2023 Postpone council requested this be a retreat item for 7/22/23.
 - Council will be looking at a 1% increase at a future meeting.
 - This will be discussed at the Town Hall meeting- on 11/21/2023, the Council decided on a workshop.
 - 12/5/2023 City Council reviewed the presentation from Waterworth. The next workshop is scheduled for 2/20/2023 (the date has been moved). We were waiting on the audited numbers. We just received them. We will be setting a new date for review.
 - 7/16/2024 council will hear a new presentation
 - Some council expressed concern that the water rate does not match SAWS. Some council expressed concern that that by not increasing water rates the water infrastructure will not get addressed.
 - Everyone agreed on the surcharge and looking at the affordability rate
 - Staff will bring back the Surcharge on 8/6/2024.
 - New rates will be brought back to the council in September 2024.
 - Second Read on the Surcharge 8/20/2024.
 - Council passed unanimously
 - Water workshop Saturday in October.
- **Impact Fees**
 - The council directed staff to have Ardurra recalculate the impact fees
 - They have recalculated the fees, and the staff has to take it back to the zoning commission and advertise for 30 days. So, it will be brought back in November
- **Salary allocations from the enterprise fund**
 - September 17, 2024 City Council Meeting
- **Flooding**
 - Was addressed at the following Council Meetings.
 - 08/03/2021 – Flood damage prevention Ord. # 21-034.
 - 11/2/2021 – To discuss flood mitigation strategies.
 - 12/07/2021 – Short-Term options to address flooding.
 - Budget Adjustment – For funding floodway monitoring and software upgrades.
 - Upcoming Council presentation 1/18/2022.
 - Budget Adjustment – for creek cleanup.
 - Staff is proposing \$150,000 in ARP funds. Upcoming Council meeting TBD.
 - Segment one of Huebner Creek will be presented to the Council on 4/19/2022.

- Council decided to look at the 50' wide, protected little league, the study will be brought back to the Council before we agree to do it.
 - Budget adjustment for creek cleanup.
 - 6/7/2022
 - Budget adjustment for flood gates and notification system.
 - 6/7/2022 postponed
- Huebner Creek Channel Improvement presentation 9/20/2022.
 - Council direction to bring back budget adjustment on \$633,000.
 - First Read 10/3/2022.
 - Second Read 10/18/2022.
 - 11/21/2023 – PW Director will provide an update and receive direction – Council decided to have a field trip to look at the creek layout TBD.
 - The Council decided to conduct a field trip in the Natural Area
 - 12/6/2023 the Council walked the steaked-out creek realignment
 - 1/16/2023 – The Council will revisit the project.
 - 2/24/2023- the Council will have a workshop to discuss with the engineer.
 - The council directed the engineer to look at a plan that leaves the creek alignment alone, a new tree survey, and build a retaining wall for erosion.
 - 8/6/2024 – budget adjust will be presented to council in the amount of \$168,000
 - Second Read on the Budget Adjustment is scheduled for 8/20/2024.
 - After council approval, the following is the timeline:
 - Preliminary Design – 1.5 months (45 days) from NTP
 - Final Design – 3-4 months (90-120 days)
 - Environmental – TBD – 3-6 months and will be concurrent with design
 - Bidding and Construction – TBD based on funding – Not Authorized at this time
 - Approved
- **Tiger brush and bulk issues- Contract ends January 1, 2025 (Item Remaining from Retreat)**
 - Discussed at the following City Council Meetings
 - 02/22/2021
 - Council addressed complaints and Tiger Sanitation responded.
 - 09/7/2021
 - Considered a resolution on how to manage bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.

- 11/2/2021
- Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
- 1/11/2022
- The Council considered two options to manage the overflow of Brush. The Council decided to have PW pick up the overage after Tiger Sanitation picked up their 8 CY.
- There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22.
- 05/17/2022 Council meeting discussing rate increase.
 - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase.
 - Council was willing to renegotiate terms.
 - On 8/23/2022, Council decided to leave terms as is.
- On 9/19/2023 the staff took a draft survey to the Council. Staff will amend it and bring it back to the Council at a later time.
- Will ask for input at the Town Hall meeting. The council decided on the final survey on 12/19/2023.
- The Council presented the Survey at the Town Hall meeting. The majority of Participants are satisfied with their trash service
- 02/20/2024- The Council will discuss the distribution of the survey.
 - The council decided to mail the survey out to the businesses and residents. The survey was mailed out on 3/19/24. RFP should go out in May.
- RFP closes July 18, 2024
- Council will elect a committee on 7/16/2024
 - Council elected the committee
- Staff only received two RFPs
 - Extended the submittal deadline to August 29, 2024, committee has been contacted and a meeting will be scheduled after that date.
- **Discussion of updating the Strategic Plan, Mission, & Vision Statement**
 - Will be placed on the Town Hall meeting for discussion decided at the 11/21/23 Council meeting to hold a workshop.
 - February 3, 2024, workshop scheduled. At the council chambers. The Council changed the date to 2/24/24 to coincide with another workshop.
 - The Council decided to amend the mission and vision statements. Holding another workshop for the goals and objectives and core values.
 - Core values will be discussed on 3/19/2024. Goals will return after the council retreat.
 - This item is still pending. Council did not get this item at the retreat.
- **Silo design per request of the adjacent property owner**
 - 5/2/2023 – Moved by CM due to the number of items on the agenda.
 - 5/16/2023 – Scheduled

- Council Requested outreach to local universities.
 - Melinda is working on quotes.
- **Sustainability Overlay**
 - 6/6/2023 Staff is not ready and has been postponed until September.
 - 725/2023 – Zoning Commission started to review. The item is with the Attorney.
- **Stray Animal Ordinance**
 - Currently being reviewed by the City Attorney – we cannot require private industry to take in and adopt our stray animals.
 - Looking at a possible interlocal agreement.
 - Staff has met with the county for a long-term solution.
- **Neighborhood/Citizen Survey**
 - Will be tied to the solid waste survey. The council decided to keep these two separate items.
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds.**
 - **After the sustainability review.**
- **Four-way stop at Forest Meadow and Evers.**
 - To be evaluated upon the development of the Evers property.
 - Will be discussed on 7/13/2024 council retreat
 - Waiting until after the development or until it is added by city council.
- **Speed hump policy changes- (Item Remaining from Retreat)**
 - This was added by Mr. Campos who wants to review the policy before adding.
- **Review of the Personnel Manual**
- **Discussion on large capital projects – Possible Bond**
 - Public Works Building
 - ADA requirements
 - Crystal Hills Park
 - Pool
 - Dog Park
 - Library Annex
 - Will be discussed at the council retreat on 7/13/2024
 - This item was briefly discussed and will be brought back to city council. September 20, 2024, council meeting.
- **Ordinance on Amending the PDD**
 - Scheduled to go to the zoning commission meeting on 4/23/2024
 - The zoning commission tabled the item. Will revisit 5/28/2024
 - Zoning commission revisited on 6/5/2024
 - The Zoning Commission will revisit in September

ITEMS ARE STILL IN THE PIPELINE BUT HAVE BEEN ADDRESSED

- **Red-light Cameras first available contract end term is May 2037**
 - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R.
 - The RLC Contract would be difficult to terminate without financial obligation from the City.
 - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
 - Funds – Eligible projects – CR
 - Will be discussed at the Town Hall Meeting on January 22, 2022.
 - Discussed at the retreat Council has decided not to spend funds until we know what the legislature is doing.
 - Resolution supporting SB 446-2/21/2023.
 - The item was not approved during the legislation process the Council will try again in 2025.
 - The Council decided at the retreat not to address this issue.
- **Comprehensive Master Plan**
 - Was addressed at the following Council meetings:
 - 2/2/2021
 - 3/23/2021
 - 06/1/2021
 - This item was discussed during the budget process, and ultimately, the Council has decided not to spend the funds on this project at this time.
 - This will be discussed during the town hall meeting update with the council on 4/19/2022.
 - Council would like us to use our future land use map.
 - Establish neighborhood boundaries
 - Council has opted not to Update the Master Plan.
 - P & Z Director investigating a university conducting the plan.
 - Boundaries of the neighborhood
 - This has been placed in the FY 2025 budget.
 - Council has decided to move the \$250,000 to the city's emergency fund.
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22.
 - Impact Fees Removed.
 - Sewer Charges will be brought back at a later time.
 - Impact fees were discussed on 6/4/2024 first read
 - Second read scheduled for 7/16/2024
 - Council passed the impact fees but wants the engineer to reevaluate the fee to include the new water rights purchase amount.
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**

- Update on one of the Apartment Complexes at the CC mtg 3/15.
 - Presentation was given on Vista Del Rey.
 - Next apartment review is on 5/3/2022.
 - Staff received legal advice in the executive session.
 - Executive session 8/2/2022
 - Council decided to file a Chapter 54 lawsuit against Vista Del Rey, filed on 8/5/2022.
 - TRO was granted on 8/8/2022.
 - Administrative warrant executed on 8/17/2022.
 - Temporary Injunction was granted on 8/22/2022.
 - They have 6 months to comply.
 - 8/31/2022 Vista got new attorneys.
 - 9/9/2022 Vista filed a motion to dissolve the temporary injunction.
 - C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym.
 - 9/19/2022 hearing set and canceled.
 - Executive Session 9/20/2022
 - Vista Del Rey is 50% compliant. Council agreed to settle on 4/18/2023.
 - Vista has completed all inspections and received their C of Os.
- **AV equipment for the Conference Center - Budget Adjustment from ARP Funds**
 - Council meeting 2/1/22 first read.
 - Item amended to get the direction of the scope of work.
 - Will bring the item back after the BID process.
 - Discuss alternatives 5/3/2022.
 - This item could not be purchased out of ARP funds.

COMPLETED

- **Consumer protection mandate on refunds**
 - Sent request to attorney. The attorney feels that we have the laws in place.
 - Sent reminders to the animal sales businesses.
- **Interlocal Agreement with the County regarding an Outreach Coordinator.**
 - Bexar County is asking the City to sign a separate agreement with Haven for Hope. They will be completing a draft and sending it over for council approval on March 5, 2024.
 - Council approved
 - Budget adjustment 3/19/24 Approved
- **Legal review of the Sign Code**
 - Councilor Orozco and Bradshaw will work on this item.
 - Look into sign flippers in the median on Bandera

- The council requested this item go to the Economic Development Advisory Committee. Economic Development Advisory Committee completed its review, and a recommended version will come to council in April.
- First read was held 4/16/24
- Second Read 5/7/2024 passed unanimously
- **John Marshall Traffic Plan – CR, JH**
 - Discussed at the following Council meeting.
 - 12/14/2022 Next steps
 - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department.
 - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness.
 - Once plans are final, the proposal will be presented to City Council for approval.
 - John Marshal Update on 3/15 based on 2/14 meeting.
 - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
 - Heard by City Council to possible street closures on 8/23/20. Engineers will develop a report, and PD and Fire will review it.
 - Taking to Council on 10/3/2022.
 - On 2/7/2023, the council will review speed pads and school zones.
 - Council decided to move forward with the speed pads and wait on the school zone. The delineators will also be left alone.
 - Speed pads have been installed and school zone on Huebner is being addressed.
 - Interlocal agreement with San Antonio is complete. A budget adjustment of \$74,000 was approved by the Council for the mast traffic arms.
 - We met with the contractor, The Levy Company, and they informed us that the mast arms will take 16-24 weeks for delivery, so work will not start until December or January.
 - 1/10/2023- installation has begun
 - School Zone operable and seems to be working
- **Ordinance Amendment to allow lots with ½ Acre or more to have a septic system.**
 - Discussion 5/7/2024,
 - first read 5/21/2024
 - Second Read 6/4/24 – approved as presented.
- **Seneca West R6 Zone change**
 - 3/7/2023
 - Council requested some prices to replat as larger lots, not in favor of R6.

- Staff will be getting prices to plat larger lots and bring them back to the Council.
- Staff has received the plans and probable cost and will review them with the Council at the retreat.
- 08/10/2023 Discuss at the retreat. The Council would just like to plat and sell as is.
- 11/7/2023 Executive session on four options.
- 11/21/2023 Executive session on two options.
- This Will be discussed at the town hall meeting.
- Executive session on 2/6/24
- Executive Session 3/19/2024
- Executive Session 4/2/2024
- Executive Session 5/21/2024
- On 6/4/2024, the council voted to enter into a contract with one stop to purchase the property.
- 6/25/24 Zoning commission heard the preliminary hearing for the PDD
- 7/23/2024 Zoning commission will have a public hearing on the PDD
 - Zoning commission is sending this to council with a denial recommendation
- First read by council 8/6/2024
- Second Read by council 8/20/24 -Approved